

URBAN/MUNICIPAL  
CA4 ON HBL A05  
CSIP4  
1993-

AGENDA OF THE  
PLANNING AND DEVELOPMENT

Nov. 3, 1993 -







URBAN/MUNICIPAL  
CA4 ON HBL AOS  
CSIP4  
1993



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

1993 October 27

## NOTICE OF MEETING

### PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 November 3

9:30 o'clock a.m.

Room 233, City Hall

URBAN M

OCT

1993

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary  
Planning and Development Committee

### A G E N D A:

#### 9:30 O'CLOCK A.M.

#### PUBLIC MEETINGS

1. Zoning Application 93-21, F. and A. Mastroianni and D. Cavoto, owners for a change in zoning from "AA" (Agricultural) District, modified to "R-4" (Small lot Single Family Detached) District, for lands located at the rear of No. 1462 Upper Sherman Avenue; Butler Neighbourhood
2. Walkway Closure - Fonthill Street

#### 9:45 O'CLOCK A.M.

3. Amended Zoning Application 93-25, Trustees of Bethel Gospel Tabernacle, owners, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District, modified, for lands located at Nos. 1321, 1329, 1335 and 1343 Upper Wellington Street; Crerar Neighbourhood





4. COMMISSIONER OF PLANNING AND DEVELOPMENT

CI-91-H - Review of Parking Lot Regulations and Design Standards (Previously Tabled)

5. COUNCIL REFERRAL BACK - BUILDING COMMISSIONER

Hamilton Disabled Programme

6. CHAIRMAN OF THE MANAGEMENT TEAM AND MANAGEMENT TEAM

1994 User Fees - Building Department - Planning Department

**NOTE: The User Fee Report as presented at Committee of the Whole on 1993 October 26 is not being reproduced. Please bring your original copy to this meeting.**

7. BUILDING COMMISSIONER AND DIRECTOR OF PUBLIC WORKS

Barton Street Revitalization

8. CO-CHAIRPERSONS, CENTRAL BEASLEY NEIGHBOURHOOD PLAN REVIEW TEAM

Concerns Re: Hamilton Street Railway Initiatives in Central and Beasley Neighbourhoods

9. ALDERMAN M. KISS

Noise Study for Hunter Street GO Station - Frank Westaway

10. CONSENT AGENDA

11. OTHER BUSINESS

12. ADJOURNMENT.





# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

| Item No. | Item   | Original Date    | Action   | Status  |
|----------|--|------------------|--|---|
| 1.       | Mobile Signs   |                  | Planning   | Report Pending  |
| 2.       | C.I. 90-F - Parking requirements in the Central Business District                                      | 1990 July 25     | Planning   | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee |
| 3.       | Conditions of Conversions - Separate Utility Controls  | 1991 June 19     | Building   | Report Pending  |
| 4.       | Site Plan Control Application DA-91-50 45 Hempstead Drive  | 1992 January 8   | Planning   | Tabled - Applicant directed to proceed through Committee of Adjustment  |
| 5.       | ZA-91-12 - 25 Hess Street South  | 1992 June 24     | Applicant  | Tabled for negotiations between parties   |
| 6.       | ZA-92-03 - 212 James Street South  | 1992 June 24     | Applicant Harper Brothers Holdings                   | Tabled to submit amended application  |
| 7.       | Definition of "Foster Home" and "Residential Care Facility"  | 1992 November 18 | Alderman T. Cooke                                    | Planning & Building Departments to prepare a report   |
| 8.       | Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots                         | 1993 February 3  | Alderman H. Merling                                  | Tabled to allow previous Sub-Committee to review matter   |
| 9.       | Revitalization of Barton   | 1993 February 3  | Mayor R. M. Morrow                                   | Various Departments to report back on Mayor's Request   |
| 10.      | Building Permit Fees and Development Charges   | 1993 March 24    | Building   | Building Department to review and report back   |
| 11.      | Implementation of Public Participation Policies - Central Area Plan                                    | 1993 March 24    | Planning   | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11  |
| 12.      | Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods | 1993 July 21     | Planning & Traffic                                   | Tabled to allow review by Staff   |
| 13.      | Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools                           | 1993 October 6   | Building Commissioner and Director of Local Planning | Report Pending  |





|     |   |                 |                                  |                           |
|-----|---|-----------------|----------------------------------|---------------------------|
| 14. | GO Station - Clarification of Previous Council Resolution | 1993 October 20 | CAO and Commissioner of Planning | Redraft of Report Pending |
|-----|---|-----------------|----------------------------------|---------------------------|

Tina Agnello, Secretary  
1993 October 28





CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1993 October 26  
ZAC-93-21  
Butler Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - rear of No. 1462 Upper Sherman Avenue.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 93-21, Frank and Antonietta Mastroianni and Diodoro and Olimpia Cavoto, Owners, requesting a change in zoning from "AA" (Agricultural) District, modified to "R-4" (Small Lot Single-Family Dwelling) District, modified to permit future development for five (5) small lot single-family detached dwellings, for property located at the rear of No. 1462 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District;
- ii) That the "R-4" (Small Lot Single-Family Dwelling) District regulations as contained in Section 9A of Zoning By-Law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:
  - a) Notwithstanding Section 9A.2.(c)1. of Zoning By-Law No. 6593, every lot for a single-family dwelling shall have an average lot width of not less than 9.50 metres and an average lot area of not less than 306.0 square metres.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps E-27C and E-27D be Notated S - ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and E-27D for presentation to City Council;

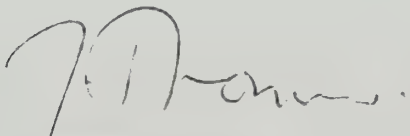
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

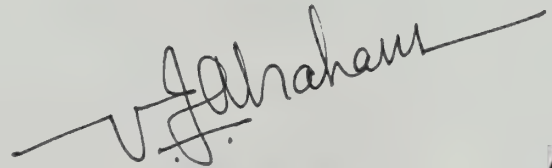
The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District, for property located at the rear of No. 1462 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit development of the subject lands, in conjunction with adjacent lands, for five (5) small lot single-family detached dwellings fronting onto Cartier Crescent.

In addition, the By-law provides for a variance to permit an average lot width of not less than 9.50 metres, whereas an average lot width of not less than 10 metres is required (Section 9A.2.(c)1.).



**J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department**



**V.J. Abraham, M.C.I.P.  
Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the proposed change in zoning is to permit development of the subject lands, in conjunction with adjacent lands, for five (5) small lot single-family detached dwellings fronting onto Cartier Crescent.

- Land Severance Applications

At its meeting held on June 22, 1993, the Regional Land Division Committee approved the land severance applications H-57-93 to H-59-93 for property located at No. 1462 Upper Sherman Avenue which provided for the following (see Appendix "B"):



H-57-93

To convey a vacant parcel of land measuring 40.23 m x 32.61 m for residential purposes and to retain the balance of the holding measuring 40.23 m x 32.61 m for residential purposes; and,

H-58-93

To convey a parcel of land measuring 9.50 m x 32.61 m for residential purposes and to retain the balance of the holding consisting of two parcels of land, one measuring 2.33 m x 32.61 m and the other measuring 9.50 m x 32.61 m for residential purposes; and,

H-59-93

To convey a parcel of land measuring 9.50 m x 32.61 m for residential purposes and to retain the balance of the holding measuring 9.40 m x 32.61 m for residential purposes. Approval of the above noted land severances are subject to, among others, the following conditions:

- submit proof of final approval of any necessary change of zoning/zoning amendment;
- enter into a Modified Subdivision Agreement with the City of Hamilton, to the satisfaction of the Regional Roads Department; and
- merge the subject parcel in common title with Blocks 32, 33, 34, 35 and 36, plan 62M-705. Subsections 3 and 5 of Section 50 of The Planning Act, shall apply to any subsequent conveyance or transaction involving the land that is the subject of this approval.

- By-Law 79-326

On November 26, 1979, City Council passed By-law 79-326 which provided, among other changes, for a modification to the "AA" (Agricultural) District applicable to the subject lands permitting a lot or tract of land to have a width of at least 40.2 m and an area of at least 5,600 square metres. The By-law came into effect on February 1, 1980.

- By-Law 90-229

On July 31, 1990, City Council passed By-law 90-229 which rezoned adjoining lands to the north, south and west from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit small lot single-family development.

- Ontario Municipal Board Hearing

As a result of an objection filed against the decision of City Council to pass By-law 90-229, an Ontario Municipal Board Hearing was held on May 29, 1991, at which time the objection was withdrawn and the Ontario Municipal Board gave final approval to the By-law.

***APPLICANTS:***

Frank and Antonietta Mastroianni and Diodoro and Olimpia Cavoto, owners.

***LOT SIZE AND AREA:***

- 40.23 m (132.0 ft.) of lot frontage on Cartier Crescent;
- 32.61 m (107.0 ft.) of lot depth; and
- 1,311.90 m<sup>2</sup> (14,124.0 sq. ft.) of lot area.

***LAND USE AND ZONING:***

|                          | <u>Existing Land Use</u>   | <u>Existing Zoning</u>                                  |
|--------------------------|----------------------------|---|
| <u>Subject lands</u>     | vacant                     | "AA" (Agricultural)<br>District, modified               |
| <u>Surrounding lands</u> |                            |   |
| to the north             | vacant                     | "R-4" (Small Lot<br>Single-Family<br>Dwelling) District |
| to the south             | vacant                     | "R-4" (Small Lot<br>Single-Family<br>Dwelling) District |
| to the east              | single-family<br>dwellings | "C" (Urban Protected<br>Residential, etc.)<br>District  |
| to the west              | single-family<br>dwellings | "R-4" (Small Lot<br>Single-Family<br>Dwelling) District |



**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and are subject to, among others, the following policies:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
  
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
  
- C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
  - i)      Provision and maintenance of adequate off-street parking;
  
- C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
  
- C.7.3.      Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
  - iii)      Support RESIDENTIAL development such as infilling, redevelopment and conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
  
  - v)      Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern; and,
  
  - ix)      Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal complies with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Butler Neighbourhood Plan, the proposal complies.

**COMMENTS RECEIVED:**

- The Building Department has advised that:
  - "1. Until held in the same registered title as the lands to the west, the parcels will not have frontage on a public highway.
  2. The lots created appear to have insufficient width."
- The Traffic Department and Hamilton Region Conservation Authority have no comments or objections.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

According to our records there are no 0.30 m reserves on Cartier Crescent, as shown on Plan 62M-705, adjacent to Blocks 32 to 36 inclusive.

For the information of the Committee, Land Severance Applications H-57 to 59-93 were previously approved on June 22, 1993 and a condition of that approval was that the owner must enter into Modified Servicing Agreements with the City."

**COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Butler Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
3. The proposal has merit and can be supported for the following reasons:
  - it complies with the intent of both the Official Plan and the approved Butler Neighbourhood Plan which designates the subject lands for "RESIDENTIAL" and for "SINGLE AND DOUBLE RESIDENTIAL" use respectively;
  - it would be compatible with existing and future planned development in this area;

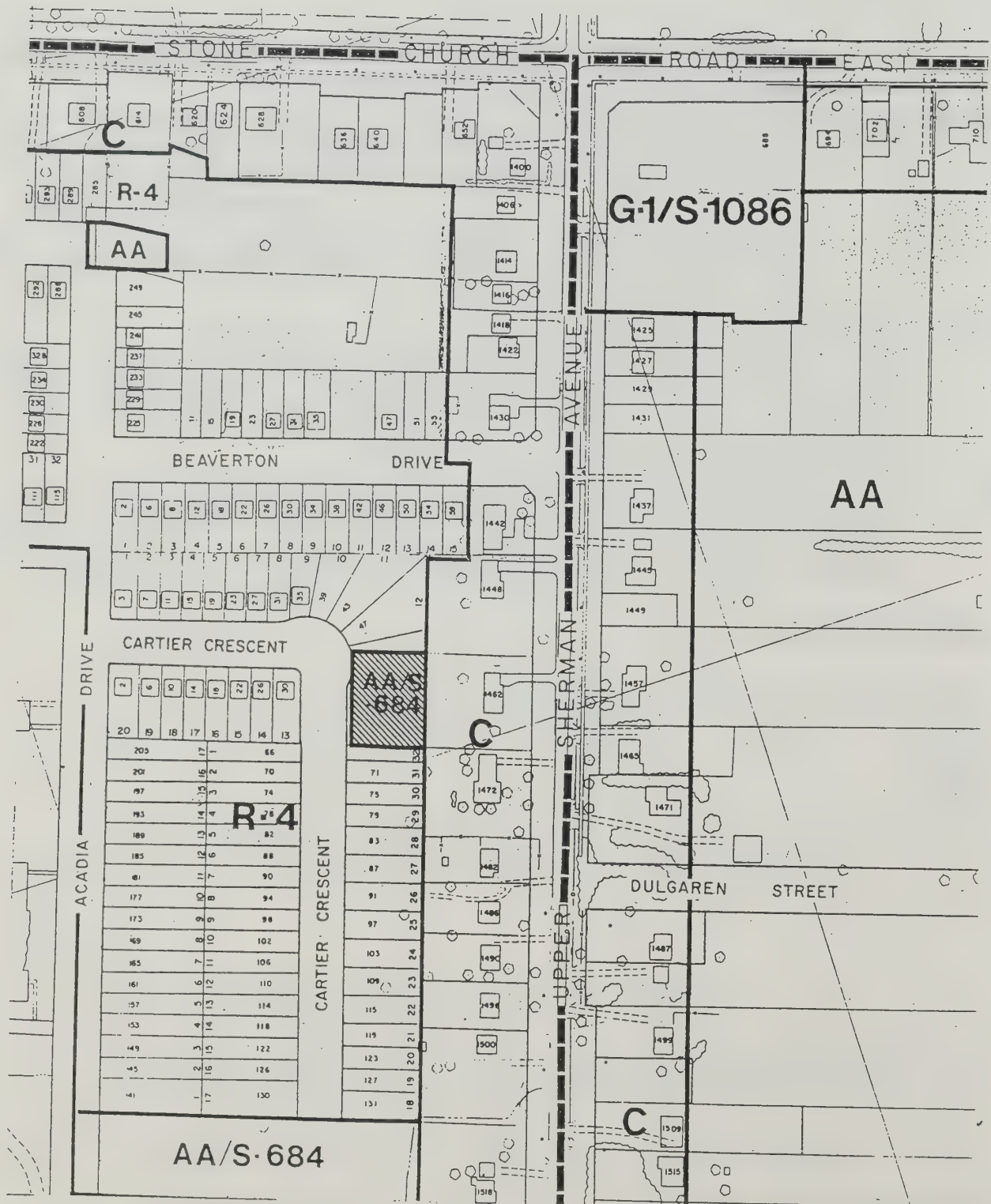


- it represents an "infill" situation and will complete the development pattern for the subdivision of lands on this portion of Cartier Crescent;
  - the requested "R-4" (Small Lot Single-Family Dwelling) District zoning is compatible with established zoning of lots fronting onto Cartier Crescent;
  - it implements the condition of approval of the land severance applications by the Regional Land Division Committee requiring the rezoning of the subject lands to an appropriate residential zone.
4. As noted in the Building Department's comments, the lots being created have insufficient average lot widths in accordance with the requested "R-4" District requirements, (9.5 m proposed vs. 10.0 m required). Due to established site constraints, the variance is considered minor in nature and could be supported.
5. For the information of the Planning and Development Committee, matters concerning outstanding servicing costs, etc. will be dealt with through a Modified Subdivision Agreement with the City of Hamilton to the satisfaction of the Roads Department.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

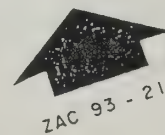
GAW/  
ZA9321



Legend



Site of the Application





KEY PLAN

NOT TO SCALE

LAND DIVS  
PART OF  
GEOGRAPHIC  
IN THE  
**CITY**  
REGIONAL M.U.  
SCALE 1: 300  
B.L. CLARKE  
1993

File No.:

Date: J

Scale: 1

METRIC:  
DISTANCES  
AND CAN BE  
BY 0.3048

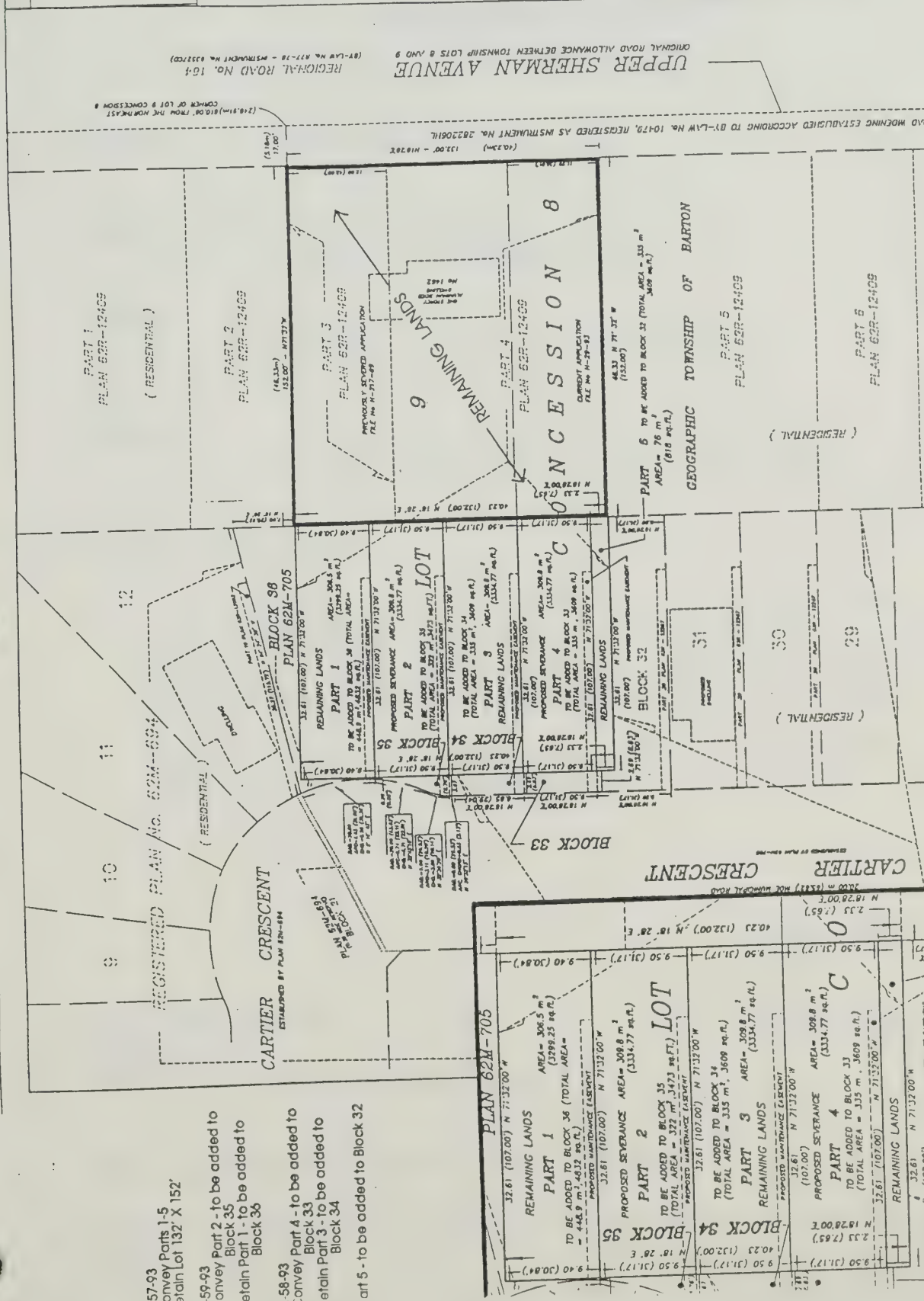
NOTE:  
THIS PLAN IS  
ON FILE IN THE  
ACTUAL FIELD

NOTE:  
THIS PLAN IS  
TO THE LANG  
OF SEVERAN

CAUTION:  
THIS IS NOT  
USED FOR T.

MARCH 31, 1997

DATE



- 59-93 convey Parts 1-5 of Lot 132' X 152'
- 59-93 convey Part 2 - to be added to Block 35
- 59-93 convey Part 1 - to be added to Block 36
- 59-93 convey Part 4 - to be added to Block 33
- 59-93 convey Part 3 - to be added to Block 34
- 59-93 convey Part 5 - to be added to Block 32





2.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 October 26  
(P5-2-46)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**RECEIVED**

OCT 27 1993

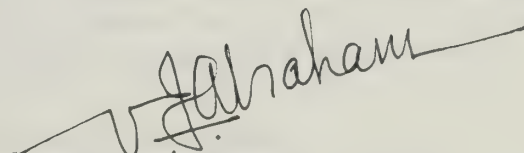
CITY CLERKS

**SUBJECT:** Potential closure of the Walkway between Fonthill Road  
and Upper Paradise Road - Fessenden Neighbourhood

**RECOMMENDATION:**

1. That the walkway located between Fonthill Road and Upper Paradise Road in the Fessenden Neighbourhood be identified as a public walkway on the approved Fessenden Neighbourhood Plan as shown on the attached Appendix "A" subject to the Transportation and Environment Committee approving the acquisition of the walkway.
2. That the issue of assuming the walkway be referred to the Transportation and Environment Committee for implementation.

**J. D. Thoms, M.C.I.P.**  
Commissioner,  
Planning and Development Department

  
**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Assuming the walkway will cost \$10,000.00 in improvements as well as ongoing maintenance costs.

**BACKGROUND:**

The walkway was established as part of a development agreement as shown on the site plan for a townhouse development located at 63 Fonthill Road. The walkway does not appear on the approved Fessenden Neighbourhood Plan as it is under private ownership. However, it is available for public use.

The lands are currently owned by Condominium Corporation No. 79, who have expressed an interest in turning the walkway over to the City due to the cost of maintenance. The owners have also indicated that the alternative to the City assuming ownership of the walkway would be its closure.

The Law Department has indicated that, aside from the City assuming ownership of the walkway, there is no legal mechanism to ensure it remains open as part of the townhouse development despite the public's use of the walkway over a period of years.

The Public Works Department has indicated that the cost of bringing the walkway up to City standards would be approximately \$10,000.00, not including costs associated with annual maintenance. In addition, it was determined that the current 5 ft. width of the walkway would not allow for proper maintenance i.e. snow removal. The owners have indicated that they would be willing to give the City an additional 5 ft. to widen the walkway.

**PLANNING COMMENTS:**

As authorized by the Planning and Development Committee, a public meeting was held on September 16, 1993. Most of the residents present were in favour of keeping the walkway open, provided the width could be increased and the appearance improved. However, the residents in homes directly adjacent to the walkway would ideally like the walkway closed. Failing closure, improvements such as better fencing and grading were requested, (see attached submissions and minutes of the public meeting).

The following is a summary of the submissions opposed to closing the walkway:

- closing the walkway would make it too far to walk to catch City transit;
- elderly and handicapped residents use the walkway as easy access to Upper Paradise;
- the walkway should have adequate lighting;
- it would be appropriate to widen the walkway if possible;
- many people use the walkway to get to the bus stop;
- the walkway is frequently travelled, and;
- there has not been proper maintenance in the winter.



The following is a summary of the submissions in favour of closing the walkway:

- safety, privacy, and theft;
- garbage thrown into yards adjoining the walkway;
- the 5 ft. fence is inadequate, a 6 ft. fence would be better;
- walkway has deteriorated i.e. broken fence boards, broken glass, graffiti, and;
- widening would involve cutting down several trees.

Based on the submissions received, it is evident that the walkway is routinely used by the area residents and its closure would inconvenience them greatly. From a planning perspective the walkway is an important link to and from the Neighbourhood. This link is particularly important for students travelling to and from Sir Allen MacNab Secondary School and residents wishing to access the H.S.R. transit stop at the intersection of the walkway and Upper Paradise Road. The concerns of the residents in homes directly adjacent to the walkway could be addressed by improvements to ensure more privacy and safety.

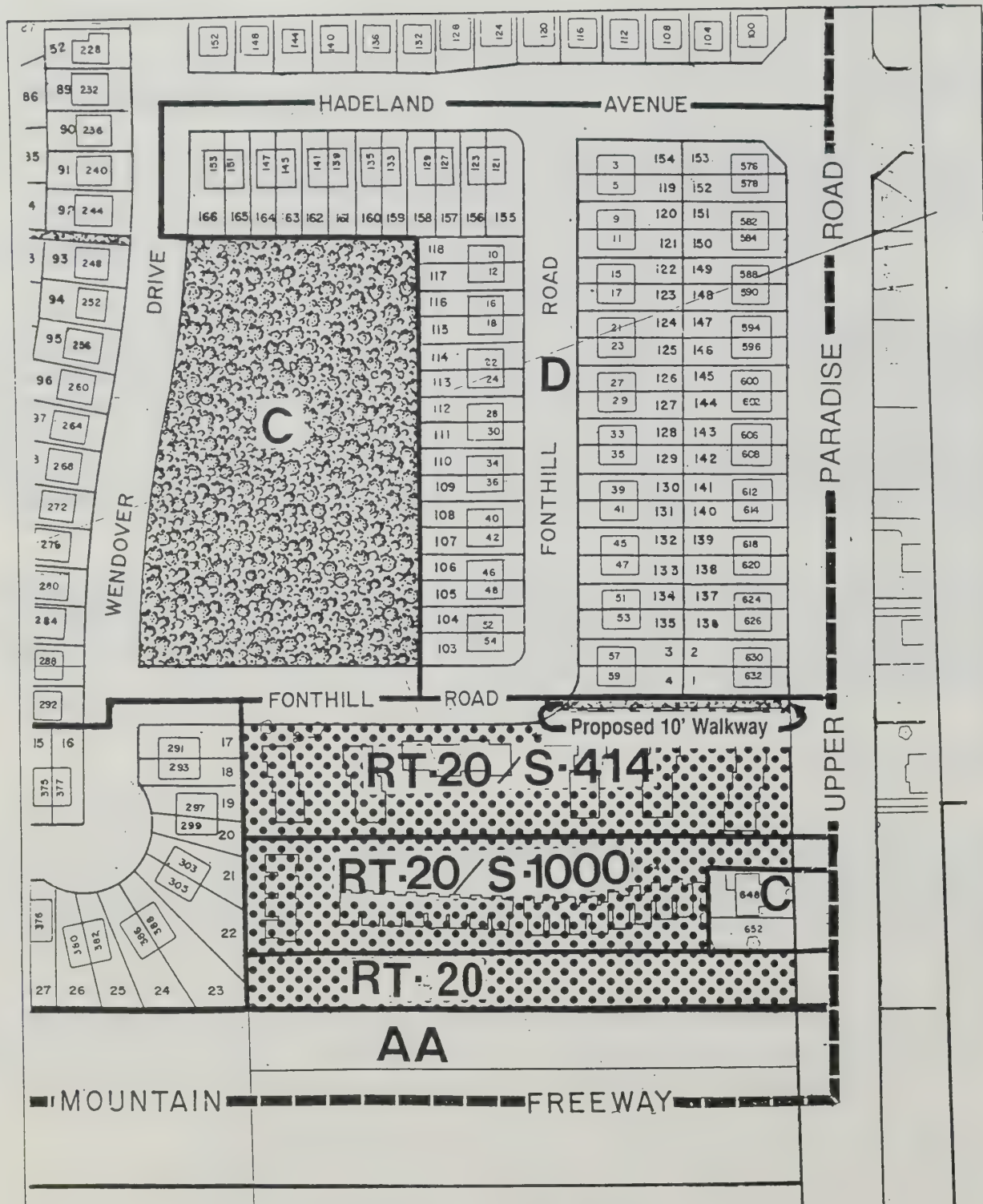
The H.S.R. has indicated that walkways are considered to be essential links for residents wishing to access transit stops located at or near walkways. However, they point out that the walkway, in its present state, is unacceptable. They would be in favour of keeping the walkway open if it could be widened and properly maintained.

## CONCLUSION:

From a neighbourhood planning perspective, the walkway should not be closed as it is an important link to and from Sir Allen MacNab Secondary School and the H.S.R. bus stop is located on Upper Paradise Road near the walkway entrance. Residents who normally use the walkway as a route to and from the bus stop would be inconvenienced if the walkway was closed.

As the City's assumption of the walkway will result in additional costs for upgrading and maintenance, this issue should be referred to the Transportation and Environment Committee with a recommendation to assume the walkway.

JG/jg



----- Neighbourhood Boundary  
 ----- Zoning Boundary

Approvals

Planning Committee: JAN. 23, 1969

Council: JUNE 10, 1969

Latest Revision Date October 1, 1990.

## LAND USE

### RESIDENTIAL



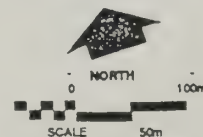
single and double  
 attached housing



PARK &  
 RECREATIONAL

CITY OF HAMILTON  
 Planning Department

Part of  
**FESSENDEN**  
 APPROVED PLAN



**Ilene & Suzanne Uylett**  
359 Magnolia Drive  
Hamilton, Ontario  
L9C 6N6

PLANNING  
LOCAL

✓  
VJA  
BJ

9/3/93

Victor Abraham  
Director of Local Planning  
Planning and Development Department  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Abraham:

**These are the following reasons for which we feel the pathway between Fonthill & Up. Paradise Rd. (Fessenden Neighbourhood) should not be closed:**

1. With out the walk way the walking distance to Upper Paradise from most of the near by streets would be too far a distance to walk to catch the city transit.
2. We have many elderly residents in this survey who use that walk way as an easy access to Upper Paradise. This would present a problem for them. It is o.k. for younger residents that it should be closed but, they do not take into consideration the needs of the elderly.
3. What we do think and believe is necessary, is that the path way should have some adequate lighting.
4. We have never had any problems in passing other pedestrians on the walk way, whether biking or walking.
5. If people are complaining of the narrowness of the walk way, then I believe it would be appropriate to widen it slightly if possible.

Yours truly,

*Ilene Uylett*  
*Suzanne Uylett*

Ilene & Suzanne Uylett

359 Magnolia Drive, Hamilton, Ontario, L9C 6N6



September 7, 1993

SEP 09 1993

BJ

Mr. Victor Abraham  
Director of Local Planning  
Planning and Development Department  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

RE: WALKWAY CLOSURE BETWEEN FONTHILL ROAD & UPPER PARADISE

Dear Mr. Abraham:

With reference the above, I am writing as I am unable to attend the meeting planned for Thursday, September 16th due to a prior commitment.

I reside at 618 Upper Paradise Road and I have been there since 1976. The walkway closure in question has always been for me a viable passageway as I use it frequently to visit friends on Fonthill at the south end.

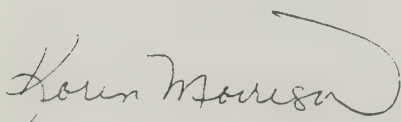
More importantly, one of my friends residing at 54 Fonthill Rd. (most south end) is handicapped. She uses this passageway not only to reach my home but to catch the Upper Paradise bus. It would be a strain for her to walk to Hadeland then to Upper Paradise in order to reach the bus stop.

I know that there are numerous individuals that use this walkway to get to the bus stop, as I meet up with them while waiting for the bus.

I also know that it is frequently travelled by others coming in and out of the survey.

I would be pleased to see things stay as they are, other than the fact that in the winter this passageway is not maintained as it should be.

Yours truly,



(Ms.) Korin Morrison

cc: Mr. Don Ross  
Alderman (Ward 8)

### SUBMISSION SHEET

I am the owner of the property next to the walkway (59 Fonthill Rd). Thinking of our safety and privacy I am hoping the walkway will be closed. Our backyard is easily looked at over 5ft high fence by the people that use the walkway.

Last year someone shot holes in our 3 windows along the walkway. Another time a bicycle was stolen from our backyard. We often find garbage and rocks thrown in the backyard.

Of course that is only my private opinion that will probably not have much to do with your final decision about future of the walkway.

In case the walkway will remain open and you will decide to upgrade it and exchange the fences along it I would like to ask you very much to build between our back/side yard and walkway a wooden fence 6 ft. high, which will protect us from happenings mentioned above.

Wooden fence 6ft high actually exists along second property next to walkway (from Upper Paradise Rd).

I will be very glad to cooperate with you in this subject.

Yours truly:

NAME: Zdzislaw Hubert

ADDRESS: 59 Fonthill Rd  
Hamilton, Ont.  
L9C 6A1

TEL: 574-6408

The deadline for submissions is October 1, 1993. Please return the completed submission to:

Mr. Victor J. Abraham  
Director of Local Planning  
71 Main Street West, 7th Floor  
L8N 3T4

If you have any question please call:

Joe Gravina, 546-4280

## SUBMISSION SHEET

Concerning the closure of the fonthill Walkway I live on Upper Paradise beside the walkway. In the past few years the condition of the walkway has deteriorated badly. There are broken fence boards, graffiti and at times broken beer bottles and garbage.

If the walkway is to be kept open it must be repaired and maintained. Since Lounsbury management doesn't want it anymore and would like to close it which I agree with, it would be up to the city if it takes it over to make some improvements like replacing the fence and to widen it which would involve cutting down several trees.

If the city thinks it is worth the expense to improve and maintain it that is fine, if not, I would like to see it closed.

NAME: George Jones  
ADDRESS: 632 Upper Paradise Rd  
Hamilton  
Ontario L9C 5P6  
388-3062

The deadline for submissions is October 1, 1993. Please return the completed submission to:

Mr. Victor J. Abraham  
Director of Local Planning  
71 Main Street West, 7th Floor  
L8N 3T4

If you have any question please call:

Joe Gravina, 546-4280



PUBLIC MEETING TO DISCUSS THE WALKWAY  
BETWEEN FONTHILL ROAD AND UPPER PARADISE ROAD  
THURSDAY SEPTEMBER 16, 1993 - 7:00 P.M.  
SIR ALLAN MACNAB RECREATION CENTRE  
145 MAGNOLIA AVENUE

MINUTES

ATTENDING:

Alderman F. D'Amico  
Alderman D. Ross  
Bill Janssen  
Joe Gravina

Planning Department  
Planning Department

RESIDENTS

|                      |                         |
|----------------------|-------------------------|
| George & Karen Jones | 632 Upper Paradise Road |
| Marina Postma        | 624 Upper Paradise Road |
| Casey Van Broekhoven | 376 Magnolia Drive      |
| Thea Van Broekhoven  | 376 Magnolia Drive      |
| Mary Byrne           | 347 Magnolia Drive      |
| Maurice Bryne        | 347 Magnolia Drive      |
| Myra Bryne           | 347 Magnolia Drive      |
| Leona Bryne          | 347 Magnolia Drive      |
| Andrea Bryne         | 347 Magnolia Drive      |
| Diane Poirier        | 363 Magnolia Drive      |
| Paula Poirier        | 363 Magnolia Drive      |
| Brent Blanchard      | 382 Magnolia Drive      |
| Zdzislaw Hubert      | 59 Fonthill Road        |
| Allison Mercer       | 54 Fonthill Road        |

Alderman Ross welcomed the residents explaining that the meeting was an information session to determine how the potential closure of the existing walkway between Fonthill Road and Upper Paradise Road with affect the area residents.

The citizens were invited to express their views and encouraged to submit their concerns in writing by September 24, 1993.

Bill Janssen gave an overview of the walkway. The following information was given:

- the walkway is owned by the condominium corporation of the adjacent townhouse development;
- the walkway was established as part of the development agreement when the lands were rezoned;

- in 1988 the condominium corporation asked the City to assume the walkway due to escalating maintenance costs;
- there is concerned with the walkways 5 ft. width and \$10,000.00 cost to upgrade the walkway to City standards;

Bill Janssen informed the residents that the Planning & Development Department would report to the Planning & Development Committee. The report would make recommendations based on discussions arising from this meeting and comments received.

The following points were raised by the residents:

- there has not been adequate snow removal;
- too far to walk to Upper Paradise Road via Fonthill Road and Hadeland Avenue for physically disabled people;
- walkway is currently used by students walking to and from Sir Allen MacNab Secondary School and residents along Upper Paradise Road wishing to take children to the park located at the corner of Fonthill Road and Wendover Drive;
- an H.S.R. bus stop is located on Upper Paradise Road at the walkway entrance;
- a school bus stop is located on Fonthill Road near the walkway entrance, and;
- the adjacent property owners are concerned about theft, privacy, garbage caught between fences and garbage thrown into their yards.

Most of the residents present were generally in favour of keeping the walkway open, provided the width could be increased and the appearance of the walkway could be improved. However, the residents in homes directly adjacent to the walkway would ideally like the walkway closed. Failing closure, improvements such as improved fencing and grading.

Bill Janssen informed the residents that if the City assumes the walkway, the timing for improvements would be subject to the following:

- Planning and Development Department's report to the Planning and Development Committee which would include a Neighbourhood Plan amendment to identify the walkway as a public walkway, and;
- Reports from the Property and/or Public Works Department to the Transportation and Environment Committee to determine associated costs to assume and maintain the walkway.

Alderman Ross thanked the residents for attending, adding that they would be notified about any decisions made regarding the walkway.

CITY OF HAMILTON

- RECOMMENDATION -

3.

**DATE:** October 27, 1993  
ZAC-93-25  
Crerar Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - for lands known as 1321,  
1329, 1335, 1339, and 1343 Upper Wellington Street.

RECEIVED

OCT 27 1993

CITY CLERKS

**RECOMMENDATION:**

1. That approval be given to amended Zoning Application 93-25, Bethel Gospel Tabernacle, owners, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District modified, to permit a 4 - storey, 38 unit multiple dwelling fronting onto Upper Wellington Street; a 6 - storey, 57 unit multiple dwelling; and 26 townhouse units on the lands known as 1321, 1329, 1335, 1339, and 1343 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis :

- i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal storm and sanitary sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal storm and sanitary sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "DE-2" District provisions as stipulated in this By-law, by enactment of an amending By-law once municipal sewers are available.

- ii) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" - 'H' (Multiple Dwellings - Holding) District;
- iii) That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- a) That notwithstanding Section 10B (1) of Zoning By-law No. 6593, only a maximum of 26 townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the rear portion of the subject lands;



- b) That notwithstanding Section 10B (2) (ii) of Zoning By-law No. 6593, the multiple dwelling fronting Upper Wellington Street shall not exceed four (4) storeys or 13.5 m in height, and the second multiple dwelling shall not exceed six (6) storeys or 20.0 m in height;
  - c) That a maximum of ninety-five (95) multiple dwelling units shall be permitted;
  - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18B be notated S- ;
  - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
  - vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning;
  - vii) That the approved Crerar Neighbourhood Plan be amended by redesignating the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS", "ATTACHED HOUSING" and "PROPOSED WALKWAY", and by amending the approved road pattern.
2. That as a condition of Site Plan Approval, the applicant/owner shall dedicate an easement to the City, by agreement, to provide for a walkway extending from the easterly property line to Upper Wellington Street.

***EXPLANATORY NOTE:***

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal storm and sanitary sewers are available.

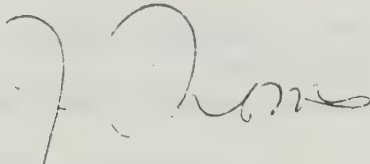
Removal of the holding restriction shall be conditional upon the availability of all such municipal storm and sanitary sewers serving the subject lands as the City deems necessary, and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "DE-2" District provisions as stipulated in this By-law, by enactment of an amending By-law once municipal storm and sanitary sewers are available.

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District modified, for lands known as 1321, 1329, 1335, 1339, and 1343 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A".

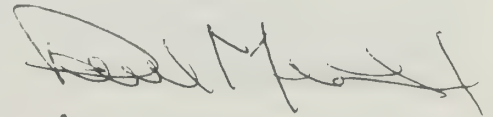
The effect of the By-law is to allow development of the lands for a 4 - storey, 38 unit multiple dwelling fronting onto Upper Wellington Street; a 6 - storey, 57 unit multiple dwelling; and a maximum of 26 townhouse units on the rear portion of the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- Restricts the height of the proposed multiple dwelling fronting onto Upper Wellington Street to four (4) storeys or 13.5 m in height, and the second multiple dwelling to six (6) storeys or 20.0 m in height, whereas eight (8) storeys are permitted; and,
- Restricts the development to a maximum of ninety-five (95) multiple dwelling units and a maximum of twenty-six (26) townhouse units.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***APPLICANT:***

Trustees of Bethel Gospel Tabernacle, owners.

***BACKGROUND:***

- Proposal

The purpose of the proposed change in zoning is to permit development of the lands for a 4-storey, 38 unit multiple dwelling fronting onto Upper Wellington Street; a 6-storey, 57 unit multiple dwelling; and, 26 townhouse units. In addition, the preliminary site plan proposes a pedestrian walkway on the subject lands and the applicants lands immediately to the south, which will provide a pedestrian link from the interior of the neighbourhood to Upper Wellington Street (see Appendix "B").

- ZA-89-90, Nos. 1301-1315 Upper Wellington Street

At its meeting of October 30, 1990, City Council adopted the recommendation of the Planning and Development Committee with respect to the above-mentioned application to rezone the lands to "DE-2" - 'H' (Multiple Dwellings - Holding) District modified, subject to conditions.

The approved application will permit a 5 storey, 110 unit apartment building and a 4 storey, 54 unit apartment building on the subject lands.

Passing of the amending by-law is still pending conditions of approval (i.e. land assembly, service agreement).

**LOT SIZE AND AREA:**

- 109.43 m (359.0 ft.) of frontage on Upper Wellington Street;
- 151.65 m (497.53 ft.) of lot depth; and,
- 1.6 ha (4.1 acres ) of lot area.

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>           | <u>Existing Zoning</u>   |
|--------------------------|------------------------------------|--|
| <u>Subject Lands</u>     | Single-Family Dwellings            | "AA" (Agricultural) District   |
| <u>Surrounding Lands</u> |                                    |  |
| to the north             | Construction Yard                  | "JJ" (Restricted Light Industrial) District [pending finalization of ZA-89-90, for a rezoning to "DE-2"- 'H' (Multiple Dwellings - Holding) District modified, for multiple dwellings] |
| to the south             | Single-Family Dwellings and Church | "AA" (Agricultural) District   |
| to the east              | Vacant Lands                       | "AA" (Agricultural) District   |
| to the west              | Single-Family Dwellings            | "C" (Urban Protected Residential, etc.) District   |

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.



- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
  - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
  - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents; and,
  - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

## ***NEIGHBOURHOOD PLAN:***

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Crerar Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved, an amendment to the Plan would be required to redesignate the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS", "ATTACHED HOUSING" and "PROPOSED WALKWAY".

Approval of the application as proposed would result in the removal of the internal neighbourhood street to Upper Wellington Street (see Appendix "C"). In this regard, the Traffic Department has advised as follows:

"... While the closure of the access to Upper Wellington Street may lead to some additional travel within the neighbourhood itself, the remaining accesses should be able to handle the volumes generated by this neighbourhood..."

Accordingly, the Neighbourhood Plan will also have to be amended to change the approved road pattern.

## ***RESULTS OF CIRCULARIZATION:***

- The following Agency and Departments have no comment or objection:
  - Union Gas; and,
  - Hamilton Region Conservation Authority.
- The Roads Department has advised that:

"The designated road allowance width of Upper Wellington Street is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Wellington Street road allowance. According to our records, this widening is 5.18 m in width adjacent to most of the subject lands.

The internal streets must be 20 m in width and the cul-de-sac bulbs must have a minimum radius of 15 m with 9 m transition radii into and out of the cul-de-sac bulb.

The Public Transit Section views the proposed changes positively. The density adjacent to the existing bus route, along Upper Wellington Street, will be increased and we recommend that pedestrian access via a public walkway be established between the internal neighbourhood and Upper Wellington Street (bus route). This walkway should be kept well lighted, maintained and cleared of snow. The plan submitted should be changed to reflect these requirements. This walkway must be established as a condition of zoning approval and the applicant must enter into a modified subdivision agreement with the City and Region for the dedication of these lands required for walkway purposes to the City of Hamilton and the payment of all costs for the establishment and construction of the public walkway.



The plans submitted by the applicant exclude these walkway from lands to be rezoned and the plans must be modified to include these lands or the owner of lands to the south must provide for the walkway as a condition of this zoning approval.

As you may be aware, there is a vertical crest curve on Upper Wellington Street immediately north of the subject lands which limits motorist visibility. Therefore the access to lands being designated for medium density apartments must be located at the extreme south limits of these lands to maximize motorist visibility at this access. The site plan should be revised to reflect this requirement. This information was previously given to Mr. J. Lakatos of your office in response to an enquiry by Mr. Rankin.

The removal of the internal neighbourhood street to Upper Wellington Street from the internal neighbourhood plan will result in a cul-de-sac length of more than 200 m. Comments from the respective emergency agencies and the City of Hamilton Traffic Department on this matter should be considered.

It is our opinion that the neighbourhood plan should be revised prior to the consideration of this zoning application to ensure that the rear lands can still be developed and the streets established in accordance with their intended use.

The neighbourhood plan also indicates that a cul-de-sac will be established at the south limits of lands to be rezoned. Should this cul-de-sac be retained in that location, then the lands required for the establishment of the street in the area to be developed should be dedicated to the City through a modified plan of subdivision.

Water service is available on Upper Wellington Street abutting the site.

The site must be serviced by storm and sanitary sewers on Upper Wellington Street, which would drain northerly to the existing systems at the Towercrest/Sirente Drive (future) intersection. Construction of these sewers is not expected before 1996 and these lands should be placed in a holding zone until such time as these services become available.

We are presently reviewing the road grades on Upper Wellington Street, adjacent to the subject lands to determine whether any improvements can be considered.

Further comments on this will be sent once these plans become available or when the site, landscaping and grading plans are submitted for our review and approval."

- The Building Department has advised that:

- "1. Townhouses are not permitted under the DE-2 zoning district.
2. Therefore, to permit a townhouse development, the portion of lands to be used shall conform to the provisions of Section 10B of Zoning By-law 6593.
3. The twenty-six (26) townhouses require a minimum lot area of 5980 m<sup>2</sup> (26 x 230.0 m<sup>2</sup>) and a minimum landscaped area of 2753.2 m<sup>2</sup> (40% x 6883).
4. The remaining lands to be used for the development of multiple dwellings shall conform to the provisions of Section 19E of Zoning By-law 6593.



5. The multiple dwellings require a minimum landscaped area of 2433.75 m<sup>2</sup> (25% x 9735) and the maximum gross floor area permitted is 8761.5 m<sup>2</sup> (.9 x 9735).
6. **Each** of the multiple dwelling buildings require one 3.7 m x 18.0 m 4.3 m loading space.
7. A 1.5 m wide planting strip and visual barrier is required along the boundary line between the parking area and the adjoining residential districts.
8. None of the parking areas and access driveways are detailed to determine compliance.
9. Demolition approval of the existing residential buildings by the Planning and Development Committee under Demolition Control By-law is required.
10. Demolition permits are required for each of the existing residential buildings to be removed.

- The Traffic Department has advised that:

"In response to your letter of 1993 July 5, please be advised that we reviewed the above application and have the following comments.

This section of land is a portion of a larger piece of land that is the subject of a proposed land use and road pattern change within the Crerar Neighbourhood which has not yet been ruled upon.

While we have no particular concern with the proposed zoning, we do have a number of problems with the submitted preliminary site plan. We would like the opportunity to study it further and comment upon it once the Neighbourhood plan amendments have been decided upon.

In response to your letter of 1993 September 09, please be advised that we reviewed the above revised application and our comments remain unchanged from our letter of 1993 July 22."

#### **COMMENTS:**

1. The proposal does conflict with the intent of the Official Plan.
2. The proposal would require an amendment to the approved Crerar Neighbourhood Plan to redesignate the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS", "ATTACHED HOUSING" and "PROPOSED WALKWAY", and by amending the approved road pattern.

Furthermore, the preliminary site plan shows a pedestrian walkway on the lands immediately to the south, which will provide a pedestrian link the from the easterly property line to Upper Wellington Street. The proposed walkway will be part of the Neighbourhood Plan amendment and the necessary easement agreements to ensure access and maintenance should be required as a condition of site plan approval.

3. The proposal has merit and can be supported for the following reasons:
  - It complies with the intent of the Official Plan;
  - It would be compatible with existing and proposed development in the area comprised of future apartment housing to the north, a church to the south, single-family development to the east and the west. In this regard the buildings have been located on the site to provide a gradation that is compatible with existing and proposed development (i.e. the maximum building height would be in the centre of the site);
  - It is suitably located on a major road thereby providing access to public transit; and,
  - It would provide for new apartment development on the mountain which is in short supply, and provide the opportunity for affordable housing.
4. The applicant has submitted a preliminary site plan for the proposed development (see Appendix "B") which has been reviewed by the Building Department. On the basis of comments received, the development appears to satisfy by-law requirements, except for gross floor area, loading space and planting strip requirements. In this regard, the applicant has advised that they intend to satisfy all By-law requirements.
 

Furthermore, to ensure a height, bulk and arrangement of buildings and structures that will integrate with the existing and future intended land uses in the surrounding area, the by-law should restrict the maximum height of the multiple dwelling fronting Upper Wellington Street to four (4) storeys or 13.5 m in height, six (6) storeys or 20.0 m in height for the second multiple dwelling, and only a maximum of 26 townhouse units on the rear portion of the lands, as proposed.
5. The "DE-2 (Multiple Dwellings) District would be the appropriate zoning district for the proposed use. However, since storm and sanitary sewers are not available to serve the development at this time (not expected before 1996), it would be appropriate that the lands be subject to Section 36 (1) of the Planning Act. In this regard, Council may, in a By-law, use the holding Symbol 'H' in conjunction with any zoning district to specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the holding symbol is to ensure that storm and sanitary sewers are available to service the site.
6. The "DE-2" ( Multiple Dwellings) District is Subject to site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to landscaping, fencing, grading, road widening, parking, loading, access, etc., can be further reviewed at the site plan control stage of development.

### **CONCLUSION:**

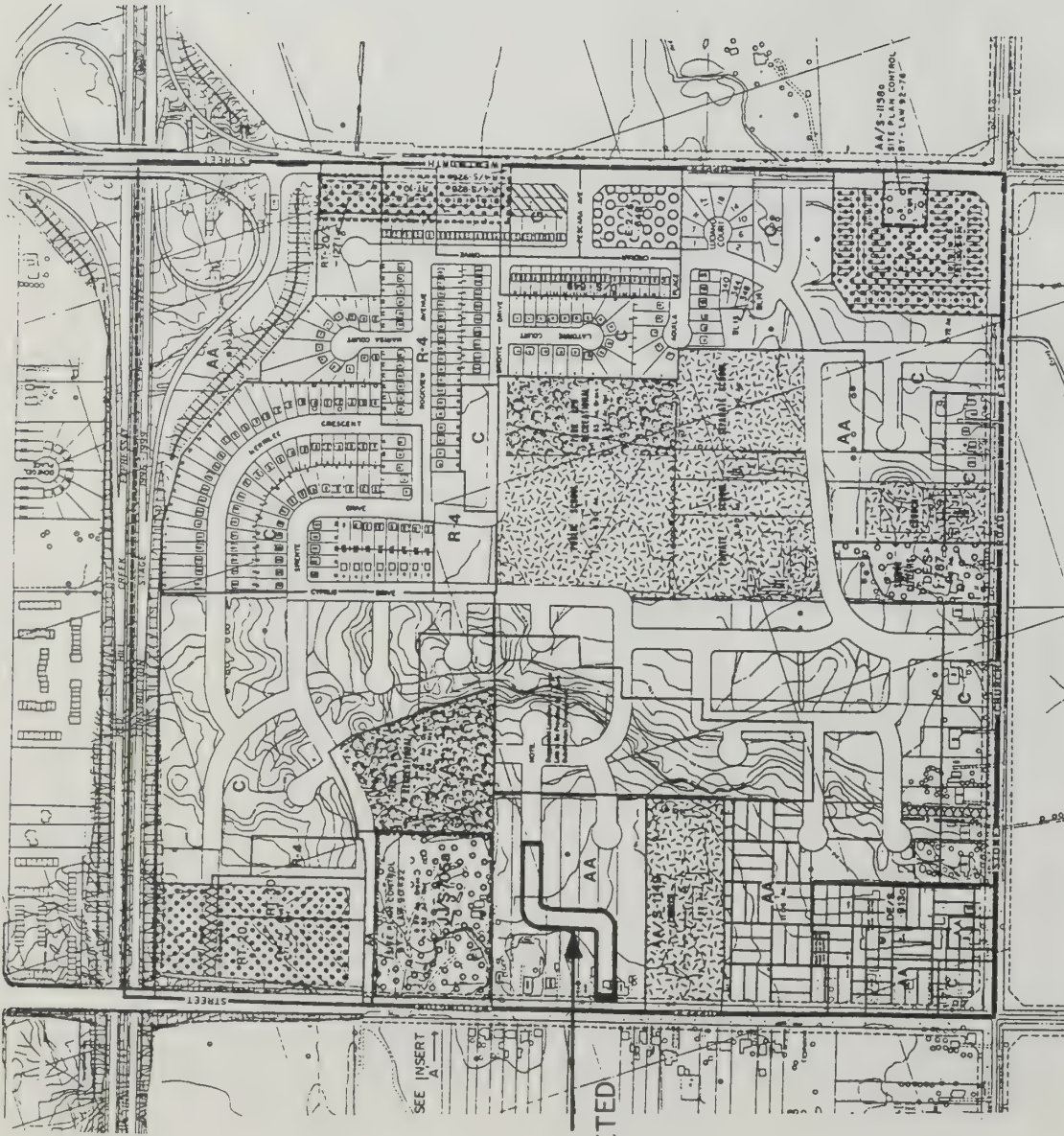
Based on the foregoing, the application can be supported.

JL/  
WPZAC9322









PORTION OF  
NEIGHBOURHOOD  
ROAD TO BE DELETED

|   |   |  |   |  |           |
|---|---|--|---|--|-----------|
| <p><b>NOTE:</b> This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.</p> | <p><b>LAND USE</b></p> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>single &amp; double attached housing</li> <li>low density apartments</li> <li>medium density apartments</li> <li>high density apartments</li> <li>commercial &amp; apartments</li> </ul> <p><b>COMMERCIAL</b></p> <p><b>INDUSTRIAL</b></p> <p><b>CIVIC &amp; INSTITUTIONAL</b></p> <p><b>PARK &amp; RECREATIONAL</b></p> <p><b>OPEN SPACE</b></p> <p><b>UTILITIES</b></p> <p><b>INSTITUTIONAL &amp; SPECIAL HOUSING</b></p> | <p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> | <p>Approval</p> <p>Planning Committee March 14, 1990 Council March 27, 1990</p> <p>Latest Revision Date NOV. 13, 1990</p> | <p><b>CITY OF HAMILTON</b></p> <p>PLANNING DEPARTMENT</p> <p><b>CRERAR</b></p> <p>APPROVED PLAN</p> <p>NORTH</p> <p>SCALE 0 50m 100m</p> | <p>33</p> |
| <p><b>LEGEND</b></p> <p>--- Sewer Services From Interior Systems Because that Section of Upper Wentworth Will Not be Served.</p>  | <p><b>EXISTING POPULATION (1988) 528</b></p>  |  |   |  |           |

4.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** October 26, 1993  
CI-91-H

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

RECEIVED

OCT 27 1993

CITY CLERKS

Review of Parking Lot Regulations and Design Standards.

**THIRD REPORT**

**RECOMMENDATION:**

1. That approval be given to City Initiative CI-91-H to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements on the following basis:
  - i) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, be amended as follows:
    - a) That Section 13C.(1)(iii) be amended by adding the words "notwithstanding clauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said clause;
    - b) That Section 13C.(3) be deleted in its entirety and replaced with a new Section, as follows:

**AREA REQUIREMENTS**

- (3) The following yards shall be provided within the district and maintained as appurtenant to every building in a G-3 district:-
  - (i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').



- c) That Sections 13C.(4) and (5) be deleted in their entirety and replaced with a new Section 13C.(4), as follows:

#### LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

- (4) (i) A landscaped area having a minimum average width of 2.0 metres (6.56'), but not less than 1.0 metre (3.28') in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways;
- (ii) Notwithstanding Section 2.(2)J.(xb)(c) of this By-law, not less than 25% of the required landscaped area referred to in clause (4)(i) above shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers;
- (iii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use;
- (iv) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line;
- (v) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;
- (vi) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.
- ii) That Section 18A PARKING AND LOADING REQUIREMENTS of Zoning By-law No. 6593, be amended by adding a new Section 18A. (40), as follows:
- 18A.(40) Every public parking lot shall be subject to the provisions of Section 13C.

- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council;
  - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence for new parking lot development, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

***EXPLANATORY NOTE:***

The purpose of the proposed by-law is to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements.

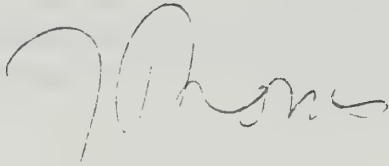
The effect of the by-law is to establish the following new regulations for all public parking lots:

- A minimum front yard equivalent to the front yard required for an adjacent residential district, but in no case less than 3.0 m;
- A landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line of the lot, except for access driveways; and,
- To require not less than 25% of the required landscaped area to be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers.


In addition, the existing regulations which apply only to public parking lots within the "G-3" (Public Parking Lots) District, would be expanded to all public parking lots regardless of zoning district. Furthermore, the buffering requirements which apply to public parking lots adjacent to residential districts would be expanded to public parking lots adjacent to residential uses. In this regard, the following regulations would also apply to all public parking lots:

- A minimum 1.5 m wide planting strip required along every side lot line and rear lot line of a public parking lot that abuts a residential use or district;
- A minimum 1.2 m to 2.0 m high visual barrier required along every side lot line and rear lot line of a public parking lot that adjoins a residential use or district (except no visual barrier shall be located less than 3.0 m from a front lot line);
- All areas (except required landscaping) are required to be paved with asphalt or concrete, and graded or drained to ensure that water will not escape to neighbouring lands (existing regulation); and,

- All lighting facilities shall be so designed, installed and maintained to ensure that the light is deflected away from residential uses and districts, and any lighting of signs shall be similarly deflected (existing regulation).



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***BACKGROUND:***

The Downtown Action Plan Co-ordinating Committee requested the Planning Department to review the Zoning By-law and Licensing Guidelines pertaining to downtown parking lots. The Committee is concerned about temporary parking lots occurring in the downtown core with no control over buffering or regard for aesthetics.

**Up-date**

At it's meeting of October 20, 1993, the Planning and Development Committee tabled the City Initiative, in order for Planning Staff to meet with representatives of the parking lot operators to review the effect of the proposed landscape requirements on small parking lots. On October 21, 1993, Planning Staff met with representatives of the Hamilton Parking Authority (Mr. P. Baker) and parking lot owners (Mr. G. Fraleigh). Following discussions, it was agreed to amend the proposed landscape regulations contained in the previous report to the Planning and Development Committee dated October 12, 1993, to provide for the following:

- to require a landscaped area having an average width of 2.0 metres, but not less than 1.0 metre in width, for the entire street frontage, whereas a minimum 3.0 metre wide landscaped area was originally recommended; and,
- to reduce the 50% natural planting requirement to 25%.

These changes would provide a greater degree of flexibility to the parking lot operators in designing their lots, while maintaining the City's objective of enhancing the streetscape.



**COMMENTS:**

On the basis of the foregoing, it would be appropriate to amend the previously proposed landscape regulations to provide for the following:

- "(i) A landscaped area having a minimum average width of 2.0 metres (6.56'), but not less than 1.0 metre (3.28') in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways;
- (ii) Notwithstanding Section 2.(2)J.(xb)(c) of this By-law, not less than 25% of the required landscaped area referred to in clause (4)(i) above shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers;"

**CONCLUSION:**

Based on the foregoing, the above-mentioned recommendations should be adopted.

jl/JL/GAW  
CI91H



5.

CITY CLERK'S DEPARTMENT

MEMORANDUM

\*\*\*\*\*

TO: Tina Agnello, Secretary  
Planning and Development Committee

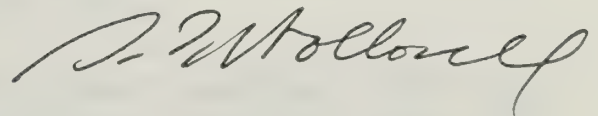
FROM: S. G. Hollowell  
Acting City Clerk

OUR FILE:  
PHONE: 546-4645

SUBJECT: **HAMILTON DISABLED PROGRAMME**      DATE: 1993 October 28

Subjoined for your information and appropriate action is a copy of Section 4 of the **SIXTEENTH** Report of the Planning and Development Committee dealing with the subject matter which was referred back by City Council at its meeting held 1993 October 26.

4. (a) That the Hamilton Disabled Programme be amended to provide grants of up to 50% of the costs of accessibility work to a maximum of \$5,000.
- (b) That eligible funding projects include accessibility modifications for properties not eligible under the Provincial Government's Ontario Home Renewal-Disabled. This would include lodging homes, rental units, nursing homes, churches, day care centres, etc.



cc: L. King, Building Commissioner



App'd by Committee..... CCT 26143  
*Referred Back* ~~App'd~~ by Council..... CCT 26143

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** October 6, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

RECEIVED

OCT 07 1993

**SUBJECT:** HAMILTON DISABLED PROGRAMME (93.2.3.2.1.A) CITY CLERKS

**RECOMMENDATION:**

That the Hamilton Disabled Programme be amended to provide grants of up to 50% of the costs of accessibility work to a maximum of \$5,000.

That eligible funding projects include accessibility modifications for properties not eligible under the Provincial Governments's Ontario Home Renewal-Disabled. This would include lodging homes, rental units, nursing homes, churches, day care centres, etc..

  
\_\_\_\_\_  
L.C. King, P. Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The City of Hamilton established a municipally funded rehabilitation programme for disabled owner/occupants of single family residential homes. The funding was

used to make the home accessible for any disabled occupant. The programme provided maximum grants of \$2,500 with another \$2,500 registered as a Lien on Title. In the event the property was sold, the repayable portion was repaid to the City at zero per cent interest.

In 1987 the provincial government announced funding for a new programme which addressed the same issues by providing grants of up to \$15,000 for homeowners with incomes of less than \$45,000, and reduced grants for families with incomes up to \$60,000. The Department, for obvious reasons, uses the provincial programme whenever possible, not only to provide the maximum assistance, but also to help preserve the municipal fund. The result is that we presently have a disabled fund of approximately \$150,000 which could be put to good use in encouraging accessibility in areas where the Provincial programme can not be applied. This would include non owner occupied units as well as requests from churches, restaurants, professional offices, non profits, etc.. These various groups often want to provide access, but need some financial help.

As a result of these inquiries and the determination there is a need has resulted in the Department's recommendations. If approved, the Department will be processing two immediate request for assistance; one from Yeshiva of Hamilton for a special lift, and one from Rygiel Homes. In both cases, the owners have indicated a willingness to share in the cost. We also have two other requests for assistance; one from St. Timothy's Anglican Church, and one from a Brownie Pack which want to make access their meeting room for one of their disabled members. They are prepared to raise funds privately for the balance.

In order to encourage joint partnerships, and to stretch the available dollars, the Department is recommending that the expanded programme provide a grant of 50% of the costs to a maximum of \$5,000. The Department would also submit reports with recommendations on each application to the Planning and Development Committee and City Council. The status of the account would also be provided in each report.

In the event the Provincial Programme called "Access" is refunded, or the OHRP-D Programme is expanded to include these types of uses, we will of course advise the Committee accordingly.





6

**CITY OF HAMILTON  
- RECOMMENDATION -**

**RECEIVED**

OCT 27 1993

**CITY CLERKS**

**DATE:** October 27, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning And Development Committee

**FROM:** J.G. Pavelka, Chairman of Management Team and Management Team

**SUBJECT:** 1994 USER FEES

**RECOMMENDATION:**

- 1.) That the 1994 User Fees for the following Departments as outlined on Schedule 1, Committee of the Whole Agenda, dated October 26, 1993, be approved;
  - a) Building Department - pages 1 - 2
  - b) Planning Department - pages 17 - 21
- 2.) That the City Solicitor be authorized to prepare the necessary amending By-Laws to reflect the changes;

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Schedule 1, if approved, would result in an increase in revenues due to existing fees as adjusted for inflationary and other increases in the amount of \$361,060 and further revenue increases as a result of the new user fees in the amount of \$107,220. The resulting increase in revenue would affect the 1994 budget by a reduction of the mill rate by 0.4 %.

**BACKGROUND:**

As presented in the Overview of the 1994 Budgets at Committee of the Whole, October 26, 1993, one of the approaches of the 1994 Budget is the development of a consolidated user fee listing for all City departments. Both the existing fees and the proposed new fees have been developed as a result of the specific departments reviewing their respective fees. The Schedule of Consolidated User Fees was presented to the Committee of the Whole on October 26, 1993 as part of the planned process for the 1994 Current Budget deliberations, but was tabled and requested that the fees be presented to the respective Standing Committees for approval before coming back in a consolidated report to the Committee of the Whole.

Schedule 1 of the Committee of the Whole Agenda dated October 26, 1993, lists by department the proposed fee increases for 1994 along with comparable rates for 1993, and is further broken down into 1994 Fees For Approval, 1994 New Fees For Approval, and in some instances, 1994 Fees Not Requiring Council Approval. Additionally, some departments have provided a covering letter explaining their rates and fees.

1993 October 27  
Tina Agnello, Secretary  
Planning And Development Committee

Page 2 - continued ...

In some cases other revenue issues will be addressed throughout the 1994 budget process as a result of restructuring plans being developed by departments.

The rates and fees being proposed are staff recommendations, after consideration of the above criteria as well as giving thought to users, "what the market will bear", and any other factors that play a role in the fee structure. It is the belief of Management Team that further in-depth analysis of rates and fees requires staff time that is currently unavailable, and therefore believe that only a consultant can provide a comprehensive analysis of the user fee structure of the City within acceptable time limits, given limited staff resources and competing demands.

It is possible that such a consultant can be retained on a "contingent fee basis" wherein there is no upfront cost to the Corporation but rather a predetermined percentage of any additional revenues would be paid out to the consultant at a future date.

Although departmental user fees are being presented on a consolidated basis with the majority of fees being implemented January 1, 1994, there are some rates and fees such as various Recreational fees that are seasonal and may require staggered implementation dates.

7.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** October 27, 1993


**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

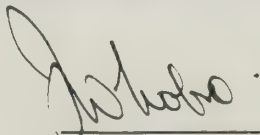
**FROM:** L.C. King, P.Eng., Commissioner  
Building Department  
D. Lobo, Director  
Public Works Department

**SUBJECT:** BARTON STREET REVITALIZATION (93.2.4.2.1.A)

**RECOMMENDATION:**

- a) That the Building Commissioner be authorized and directed to:
  - i) Formulate programmes to stimulate the revitalization of Barton Street from James to Ottawa Streets with Phase I identified as the B.I.A. from Wentworth to Wellington Streets.
  - ii) Establish a Design and Implementation Committee chaired by the Building Commissioner and made up of representatives from the Building, Public Works, Planning and Development, and Economic Development Departments, Municipal Non-Profit, and the Business Improvement Area.
- b) That the Planning & Development Department be directed and authorized to provide a land use review of Barton Street with the intent of modifying certain areas to facilitate commercial/residential development.
- c) That the cost of implementing the programmes be financed from the Ontario Home Renewal Programme Reserve Account.
- d) That the Building Commissioner be authorized and directed to make application to the Province of Ontario for authorization to utilize the Ontario Home Renewal Programme Funds when the programmes are developed.

  
L.C. King, P.Eng.  
LCK/PCL/DL/dm

  
D. Lobo



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The City's trust fund has a balance of approximately \$7-million. Use of the fund will ensure that the moneys are not returned to the Province and will aid in boosting the assessment base by improvement of existing properties.

#### **BACKGROUND:**

The Building Department, Loans Division and the Public Works, Parks Division, have been working with the Barton Street B.I.A. to encourage rehabilitation and stimulation of the business community. It is obvious that greater incentives and direction must be provided if the problems of Barton Street are to be addressed.

The City has a unique opportunity as there is approximately \$7-million sitting in a trust fund which the City can not presently access. The purpose of the fund was to establish a permanent loan and grant programme for single family houses. The original grant moneys were provided by the Ministry of Housing over a seven year period. The City has provided loans and grants of over \$5.5-million since the programme was announced in 1974. The Province has neglected to amend the programme guidelines so at present no one is eligible for grants because of the low income ceiling. The fund has continued to grow while take-ups have dwindled. The Province has asked for the money back, but the City has taken the stand that these funds should remain within the municipality and be used for housing related programmes.

The City has been led to believe that there may be some political movement on the part of the Province to allow the City to utilize the fund for rehabilitation and housing related programmes.

The Barton Street commercial strip has been identified as an area of the City which is in great need of rehabilitation and revitalization. For parts of Barton Street it may be more desirable to examine alternative uses to the existing combined commercial/residential uses of the properties. An area of need in the City as a whole is the provision of single occupancy low rental units like bachelor units or lodging home units. Many of the existing buildings on Barton Street lend themselves to conversion to small single occupancy units.

The trust fund of approximately \$7-million could be used for residential rehabilitation and conversion; for improvements to commercial properties; and local improvements to the streetscape. An equal division of the \$7-million into the three categories would rehabilitate or convert about 250 residential units, rehabilitate or improve about 175 commercial properties, and provide streetscape improvements to two B.I.A. areas on Barton Street.

In order to protect the City's control of the trust fund, it is necessary to move quickly and establish a programme without delay. It is proposed that upon approval of this report that staff begin discussions with Provincial Ministries and proceed to develop a program for implementation. A target date for program details would be early December.





8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** October 18, 1993

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

RECEIVED

**FROM:** Mr. James C. Drake and Mrs. Jane Rigby,  
Co-Chairpersons, Central/Beasley Neighbourhood Plan Review Team

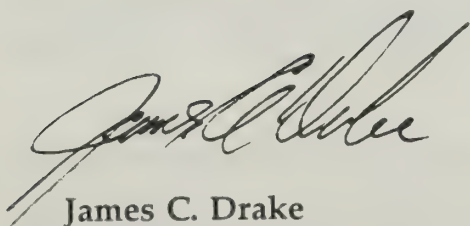
OCT 19 1993

CITY CLERKS

**SUBJECT:** Concerns in Regard to Hamilton Street Railway  
Initiatives in Central and Beasley Neighbourhoods

**RECOMMENDATIONS:**

- A) That the report prepared by the Central/Beasley Neighbourhood Plan Review Team entitled Concerns in Regard to Hamilton Street Railway Initiatives in Central and Beasley Neighbourhoods be forwarded to Regional Council; and,
- B) That the following recommendations from the Central/Beasley Neighbourhood Plan Review Team be forwarded to Regional Council:
  - 1) That the finalization of tenders for the purchase of new trolley busses and the replacement of overhead wires for the Hamilton Street Railway on Hughson Street and Barton Street be held off until the Central Business District Study, the Central and Beasley Neighbourhood Plans, the Gore Park Fountain placement issue, and the Ferguson Avenue Revitalization Advisory Committee Master Plan have been finalized; and,
  - 2) That Regional Council reconsider the appropriateness of a trolley bus system as it pertains to Hughson Street and Barton Street.



James C. Drake  
Co-Chairperson



Jane Rigby  
Co-Chairperson

## BACKGROUND:

The Local Planning Branch of the Hamilton-Wentworth Planning and Development Department is undertaking a review of the Central and Beasley Neighbourhood Plans. On June 29, 1993, City Council appointed twelve citizens to sit on the "Central/Beasley Neighbourhood Plan Review Team" in addition to the two ward aldermen. The purpose of the Review Team is to:

- Review and evaluate the existing Central and Beasley Neighbourhood Plans;
- Examine relevant issues and outstanding citizen concerns pertaining to the two neighbourhoods; and,
- Prepare new Neighbourhood Plans and associated policies for Central and Beasley Neighbourhoods to guide future development and redevelopment.

The Review Team has met several times since its formation and has examined a number of outstanding issues in Central and Beasley Neighbourhoods. The Review Team is concerned that the current initiative of the Region and the Hamilton Street Railway (HSR) to tender for custom electric trolley busses and the upgrading/replacement of the trolley bus wires and poles infrastructure on Hughson Street North and Barton Street may impinge on several on-going and proposed planning initiatives in Central and Beasley Neighbourhoods.

Some of the on-going and proposed planning initiatives affected by the proposed initiatives of HSR include the following:

- The Central Business District (CBD) Study proposed that Hughson Street be redeveloped as a predominantly pedestrian corridor with "focus islands" at the intersection of Hughson Street and King Street, and, Hughson Street and King William Street;
- There is at present an effort being made to restore or create a duplicate of the 1859 "Prince of Wales Fountain" in the centre of Gore Park at King Street and Hughson Street;
- The existing overhead trolley bus wires have already restricted the efforts of the Central/Beasley PRIDE H.INT Citizen's Advisory Committee to plant trees along both Hughson Street and Barton Street; and,
- A preliminary design goal from the work of the Ferguson Avenue Revitalization Advisory Committee (FARAC) is to minimize the amount of overhead wires along the streetscape. As the Barton Street trolley bus route intersects with Ferguson Avenue, the trolley wires would conflict with this design goal.

In addition, consideration is being given by FARAC to creating a strong focal point at Barton Street and Ferguson Avenue which would be enhanced by the absence of the trolley bus infrastructure.

The Review Team has been informed that the trolley bus wire infrastructure is in such poor repair that the entire system needs replacing at a cost estimated at approximately \$12.5 million. Also, continuation of the trolley bus system will necessitate the purchase of custom-built coaches which are more costly than conventional busses.

If the Region and HSR are committed to spending this money, it may be more appropriate to invest in alternative types of busses. Given the aspirations of Vision 2020, the potential for solar powered or hydrogen fuel cell busses should be explored in further detail. Even the purchase of conventional diesel busses or compressed natural gas (CNG) busses would ensure uniformity throughout the fleet, notwithstanding the cost savings. As well, with the elimination of overhead trolley bus wires a greater degree of flexibility in routing can be achieved, and, the urban design of Central and Beasley Neighbourhoods will be measurably enhanced.

### **CONCLUSION:**

All too often, long-term infrastructure initiatives may have the unintended effect of impeding future land use planning actions and initiatives in a neighbourhood. The Review Team believes that a comprehensive strategic land use plan should be developed first. This will ensure all subsequent initiatives contribute to and complement the overall comprehensive strategic plan.

The Review Team believes that if the Hamilton Street Railway proceeds with the upgrading of the overhead trolley bus wires on Hughson Street and Barton Street, many current and future planning initiatives may be negatively impacted and/or HSR may incur unnecessary expenses in rerouting its installations.

The opportunity currently exists to co-ordinate and rationalize all outstanding land use planning initiatives to achieve a comprehensive plan that would act as a catalyst for revitalization in Central and Beasley Neighbourhoods. Given the incompleteness of the various planning initiatives and the potential for unnecessary expenditures on the trolley bus system, the Review Team believes it is premature for the Region to invest any monies in the replacement of the existing trolley bus system.







CITY COUNCIL  
HAMILTON, CANADA

9.  
**Alderman Mary Kiss**

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71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 525-5932 - WARD 1

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27 October 1993

Alderman Don Drury, Chairman  
Planning & Development Committee

Dear Alderman Drury:

We have received a request for a noise study by Mr. Frank Westaway for the Canada/Hunter Corridor.

Could you please place this on the agenda of the next Planning & Development Committee for approval.

Sincerely,

*Mary Kiss*  
Mary Kiss  
Alderman, Ward 1

MK:sn

✓ c.c. Ms. Tina Agnello, Secretary, Planning & Development Committee





10.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 NOVEMBER 3

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting of 1993 October 20

B. SENIOR DIRECTOR, ROADS DEPARTMENT

Rymal Square Estates, Phase 5 - Cash in lieu of Parkland dedication

C. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) Site Plan Control Application DA-93-31, Taco Bell Canada, Prospective Lessee, for lands at 460 Main Street West; Strathcona Neighbourhood

(b) Proposal to rename Confederation Drive and part of Nash Road North to Van Wagner's Beach Road

D. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

U.BAN M  
OCT 1993  
GOVERNMENT DOCUMENTS



A.

Wednesday, 1993 October 20  
9:30 o'clock a.m.  
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman B. Charters  
Alderman F. D'Amico  
Alderman Wm. McCulloch

**Regrets:** Mayor Robert M. Morrow  
Alderman H. Merling

**Also Present:** Alderman G. Copps  
J. Pavelka, Chief Administrative Officer  
Victor Abraham, Director of Local Planning  
Paul Mallard, Planning Department  
Bill Janssen, Planning Department  
Nina Chapple, Planning Department  
John Sakala, Planning Department  
Eugene Chajka, Roads Department  
John Robinson, Building Department  
Art Zuidema, Law Department  
Roland Karl, Traffic Department  
Peter Lampman, Building Department  
Brian Allick, Building Department  
Tina Agnello, Secretary

### **PUBLIC MEETINGS**

1. **Zoning Application 93-29, Jorge Mota, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 1042 Barton Street East; Crown Point West Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1993 October 12 the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-29, Jorge Mota, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a 30 seat restaurant and take out food business, for property located at No. 1042 Barton Street East, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593.



- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1317, and that the subject lands on Zoning District Map E-43 be notated S-1317;
  - (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-43 for presentation to City Council; and,
  - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. **Zoning Application 93-27, 172965 Canada (Imperial Oil), owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 528 Mohawk Road East (south-east corner of Mohawk Road East and Upper Sherman Avenue); Lawfield Neighbourhood**

A submission was received from D. A. Zurbrigg, 867 Upper Sherman Avenue, Hamilton.

Paul Mallard advised that the application is to redevelop a present gas station to a gas station and free standing one bay car wash. The applicants are to provide a visual and acoustical barriers and landscaping. The Planning Department feels that the application will improve existing conditions. Of the notices circulated 16 replied in favour and 6 were opposed. If approved the zoning will require site plan approval.

Greg O'Dell representing Imperial Oil, was present in support of the application.

Mr. Zurbrigg was present to voice his objection on concerns regarding the car wash and its proximity to his property and especially noise. Mr. O'Dell advised that he will try to address Mr. Zurbrigg's concerns. He also advised that the Roll over car wash makes less noise than the traditional mechanical car wash.

In response to a question from Alderman McCulloch, Mr. O'Dell advised that the repair garage will be torn down.

Alderman McCulloch supports the application because the changes are not significantly different than that which is permitted.

As recommended by the Commissioner of Planning and Development in a report dated 1993 October 13 the Committee recommended to Council as follows:

- A. That approval be given to Zoning Application 93-27, 172965 Canada Limited (Imperial Oil) c/o Vince Serratore, owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store (kiosk), on property located at No. 528

- i. Notwithstanding Section 14.(1)(xvii) of Zoning By-Law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted;
    - ii. A planting strip not less than 6.0 m in width shall be provided and maintained along the southerly lot line and no parking or other use shall be permitted within the planting strip;
    - iii. A planting strip not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines, except for any area used for vehicular access; and
    - iv. A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the southerly and easterly lot lines, except that no visual/acoustical barrier shall be situate less than 3.0 m in distance from the westerly lot line (Upper Sherman Avenue) or the northerly lot line (Mohawk Road East);
  - (b) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1318, and that the subject lands on Zoning District Map E-38 be notated S-1318;
  - (c) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593, and Zoning District Map E-38 for presentation to City Council; and
  - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding the subject lands to Schedule "A".
3. **City Initiative 91-H, to consider new Zoning By-law regulations for public parking lots**

Paul Mallard advised that this item was previously tabled from 1993 July in order to allow various parties to make submissions.

Concerns have been made regarding the width of the required landscape strip, the landscaping materials and maintenance of the lots, the type of surface treatment required and personal safety requirements. In addition there was great opposition to any requirement being applied retroactively.

Mr. Mallard displayed illustrations of parking lots designed under the new standards.

Greg Fraleigh of Grindstone Properties was present. He concurred with Peter Baker regarding the requirement for hard surfacing. He also stated that the cost of replacing plants is high. In sum he stated that the cost of meeting the new requirements for parking lots in addition to increased provincial taxes will cause higher parking rates and will discourage consumers from visiting the downtown.

Alderman Wilson supports the recommendation as the basis that the present parking lots are unattractive.

In response to a question from Alderman McCulloch, Mr. Lampman advised that inspections are conducted on a complaint basis only.

Alderman McCulloch suggested that either the regulations be enforced or they be changed. He also felt that there should be an exemption for small lot operators and that in these cases landscaping can be replaced by benches and planters. He felt that the Planning Department's recommendations are good but that they need minor adjustments.

Paul Mallard advised that the new site plan requirement will provide for an inspection.

Alderman D'Amico stated that a standard must be set for parking lots in the downtown area. He is in support of the recommendations.

Alderman Kiss stressed the importance of lighting to people's safety and security.

Alderman Eisenberger suggested that a distinction of regulations be made for small and larger lots.

Alderman Copps was opposed to any gravel lots since the elderly and wheelchairs cannot manoeuvre on the gravel.

Alderman Charters suggested that the regulations be applied to all lots and if they wish to be exempted they can approach the Committee of Adjustment or apply for a rezoning. He also stated that he is not aware of any temporary parking lots in the downtown core.

Following discussion the Committee resolved that the matter be tabled to the next regular meeting of the Planning and Development Committee.

4. SECRETARY, LACAC

**712 Main Street East: Heritage Permit Application - Hamilton Regional Indian Centre**

Marie Kachmarsky of the Hamilton Regional Indian Centre was present in support



As recommended by the Secretary of the LACAC Committee a report dated 1993 October 18 the Committee recommended to Council as follows:

That, in accordance with the provisions of Section 42 of the Ontario Heritage Act, 1989, a heritage permit be approved for the revised plans for the proposed addition to the Hamilton Regional Indian Centre at 712 Main Street East, a designated building in the St. Clair Heritage Conservation District, for the east, south and north elevations.

5. **BUILDING COMMISSIONER**

**Hamilton Programme for Disabled Persons**

Peter Lampman and John Robinson were present to explain the proposed changes in the program.

Mr. Robinson advised that the mandate of the program is being broadened to include organization as well as individual residents since residence can best receive assistance through provincial programs.

As recommended by the Building Commissioner in a report dated 1993 October 6 the Committee recommended to Council as follows:

- (a) That the Hamilton Disabled Programme be amended to provide grants of up to 50% of the costs of accessibility work to a maximum of \$5,000.
- (b) That eligible funding projects include accessibility modifications for properties not eligible under the Provincial Government's Ontario Home Renewal-Disabled. This would include lodging homes, rental units, nursing homes, churches, day care centres, etc.

6. **GO STATION ADVISORY COMMITTEE**

**Clarification of Previous Council Resolution**

The Committee was in receipt of a report dated 1993 October 12.

The Committee resolved to table the matter in order that the report may be reviewed and revised.

7. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

**B. BUILDING COMMISSIONER****Demolition Permits dated 1993 October 12**

That the Building Commissioner be authorized to issue demolition permits for the following:

- (a) 757 West 5th Street
- (b) 795 West 5th Street
- (c) 68 Chipman Avenue

**C. DIRECTOR OF PUBLIC WORKS****(a) Barton Street Business Improvement Area (B.I.A.) - Revised Board of Management dated 1993 September 28:**

- (a) That By-law No. 92-079 appointing the Barton Street B.I.A. Board of Management be amended to **delete** the following names:

|                  |                       |
|------------------|-----------------------|
| Fabio Chiappetta | Your Bakery           |
| Paul Hamburg     | Creations Pastry Shop |
| Rob Brooker      | Gas Tank King         |
| Ann Coward       | Angelo's Place        |
| Ron Stewart      | Bank of Montreal      |
| John Stassis     | Dr. Carburetor        |

- (b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Barton Street Business Improvement Area:

|                 |                                 |
|-----------------|---------------------------------|
| Bernie Rouff    | Rouff's Eatery and Sports       |
| Lori Stokes     | Silvestri's Paradise of Flowers |
| Janice Robinson | Royal Bank                      |

- (c) That the City Solicitor be authorized and directed to amend By-law No. 92-079 pursuant to (a) and (b) above.

**(b) Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.I.N.T) - Revised Implementation Plan dated 1993 October 8:**

- (a) That the originally approved Implementation Plan for the Central/Beasley

D. SECRETARY, PLANNING AND DEVELOPMENT

**Information Items**

As recommended in a report dated 1993 October 13, the Committee received the following reports and correspondence for Information purposes:

- (a) Commissioner of Planning and Development - Approved Site Plan Control Applications dated 1993 September 26
- (b) Region of Halton Commissioner of Planning and Development - Draft New Official Plan dated 1993 October 4.

8. OTHER BUSINESS

9. ADJOURNMENT.

There being no further business the Committee meeting adjourned.

**TAKEN AS READ AND APPROVED,**

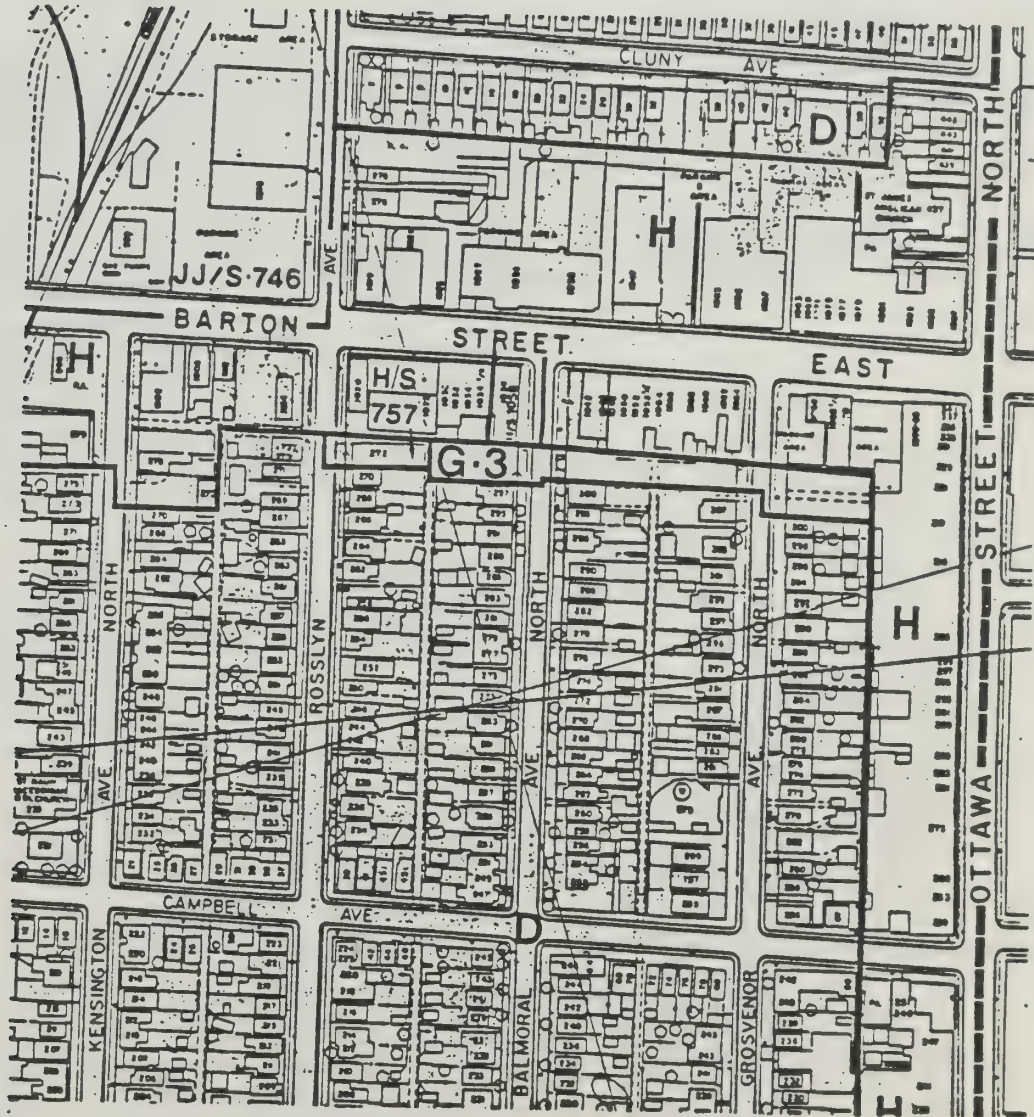
Tina Agnello  
Secretary

**ALDERMAN D. DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**





Appendix "A" as referred  
to in Section 1 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 October 20



**LEGEND**

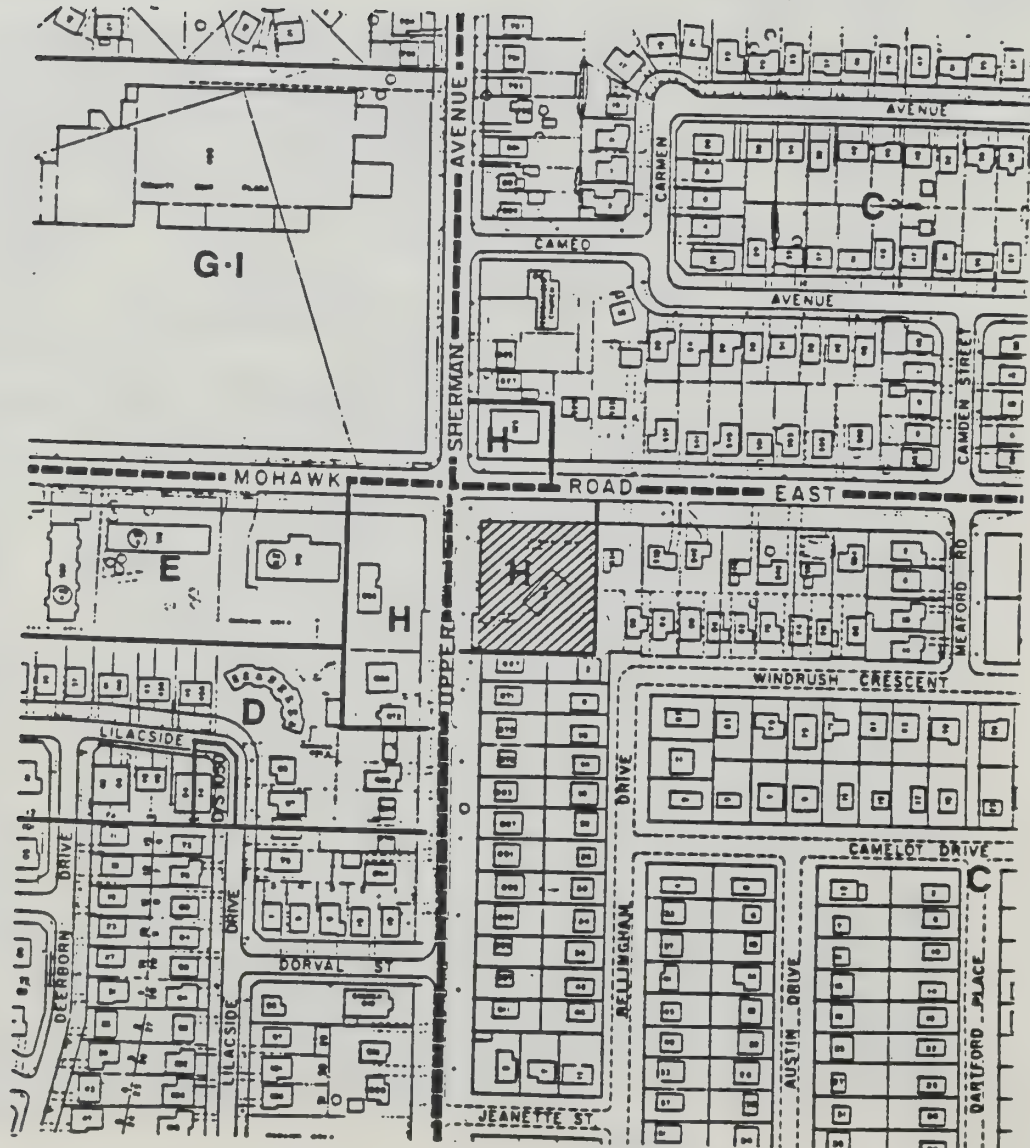


Site of the Application



ZAC-93-29

Appendix "B" as referred  
to in Section 2 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 October 20



Site of the Application

ZAC-93-27



Appendix "C" as referred to  
in Section C.(b) of the Minutes  
of The Planning and  
Development Committee  
Meeting held 1993 October 20

**CENTRAL/BEASLEY PRIDE H.INT. PROGRAM**

**PRIORITY PROJECTS IDENTIFIED BY THE CENTRAL/BEASLEY PRIDE H.INT.  
CITIZENS' ADVISORY COMMITTEE FOR REMAINING FUNDS**

|    |   |                          |
|----|---|--------------------------|
| 1. | Renovation of the existing building within<br>Beasley Park to a Community Centre.                               | \$250,000.               |
| 2. | Acquisition and development of land within<br>the Central portion of the Community Improvement<br>Project Area. | \$400,000.               |
|    | Contingency   | \$ 61,800.               |
|    | <b>SUB-TOTAL</b>  | <b><u>\$711,800.</u></b> |

**PROJECTS PREVIOUSLY APPROVED BY CITY COUNCIL  
THAT HAVE BEEN OR WILL BE IMPLEMENTED**

|    |  |                            |
|----|--|----------------------------|
| 1. | Subsidization for the Construction of Beasley Park   | \$247,000.                 |
| 2. | Implementation of Phase I Projects (including<br>street trees, buffering of incompatible<br>uses, play structure at St. Mary's School)   | \$271,200.                 |
| 3. | Outstanding items from Phase I:<br>- Stuart Street improvement (from Bay to MacNab Streets)<br>pedestrian amenities, fencing, ramping, landscaping)<br>- Additional street tree planting | \$ 60,000.                 |
| 4. | Consultant Fees:   | \$150,000.                 |
|    | <b>GRAND TOTAL</b>   | <b><u>\$1,440,000.</u></b> |



B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 October 19  
S718-80 P. Strong

**REPORT TO:** Mrs. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** "RYMAL SQUARE ESTATES - PHASE 5", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

RECEIVED

OCT 2 1993

CITY CLERKS

**RECOMMENDATION:**

That the City of Hamilton accept the sum of \$ 21,840.00 as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 5, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.



E. M. Gill, P. Eng.



cont'd...

P&DREPORTS/DISC



DATE: 1993 October 19

**"RYMAL SQUARE ESTATES-PHASE 5", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

There are no financing costs associated with this report.

***BACKGROUND:***

**"RYMAL SQUARE ESTATES-PHASE 5", Hamilton**

The owner of Rymal Square Estates - Phase 5 (Rymal Square Developments Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 21,840.00.

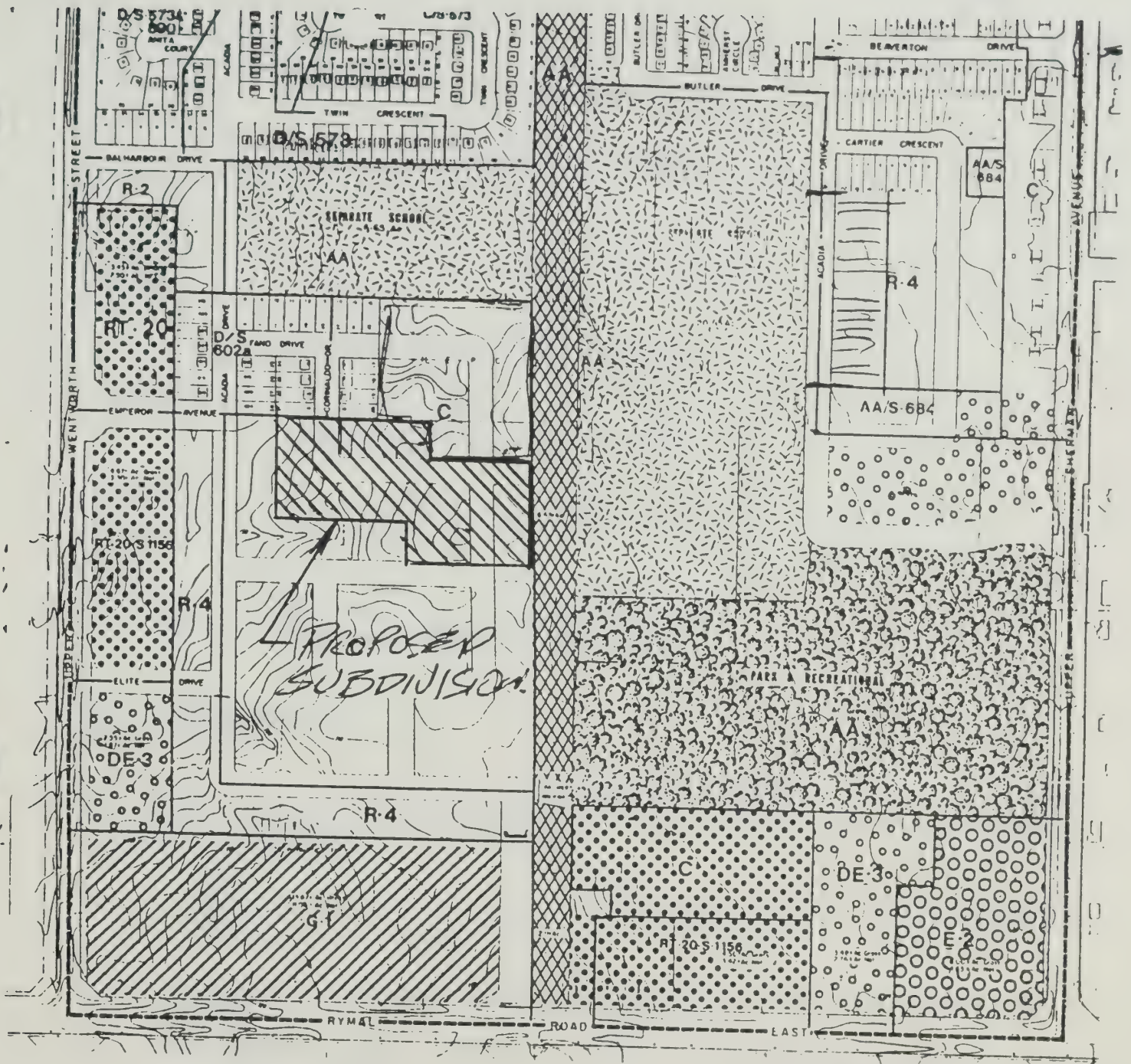
The lands of Rymal Square Estates - Phase 5 are located north of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood.

 PŠ  
encl.

cc: D. Cobb, City Treasury

cc: R. Buckle, City Real Estate Department

P&DREPORTS/DISC



----- Neighbourhood Boundary  
 ——— Zoning Boundary

Approvals

Planning Committee April 28, 1976 Council June 29, 1976

Latest Revision Date MARCH 24, 1992

CITY OF HAMILTON  
 PLANNING DEPARTMENT

BUTLER

APPROVED PLAN



NORTH



KEY PLAN - RYMAL

SQUARE ESTATES - PHASE 5





C(a)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1993 October 27  
DA-93-31  
Strathcona Neighbourhood

**REPORT TO:** T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

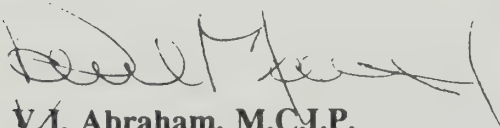
**SUBJECT:** Site Plan Control Application DA-93-31 for a Taco Bell  
Restaurant at 460 Main Street West

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-93-31 by Taco Bell Canada, prospective Lessee of lands at 460 Main Street West, (The Kingsgrove Companies, Owner) to establish a restaurant subject to the following:

- a) modification to the plans related to dimensions, notes, driveways, islands, fencing and landscaping as marked in red on the plans;
- b) modification to the elevation plan to increase the height of the corner tower;
- c) dedication to the Region of required road widenings on Main Street and Dundurn Streets as marked on the plan;
- d) approval by the Committee of Adjustment for the following variances:
  - i) to permit a distance of 3.0 m from the residential district to the parking area instead of the required 12 m;
  - ii) to permit access to the northerly alleyway instead of providing a minimum 30 m distance from the residential district;
  - iii) to permit a 1.2 m wide landscape strip instead of 1.5 m from the parking area abutting Main Street West.

- e) incorporation of comments from the Public Works Department on the proposed plantings along the road widenings on Main and Dundurn Streets, and the impact of the existing tree adjacent to Main Street;
- f) modification to the plans to provide paving of the public alleyway to City of Hamilton standards; and,
- g) provision of appropriate securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993.



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **BACKGROUND:**

Plans have been submitted to establish a Taco Bell restaurant at the north-east corner of Main Street West and Dundurn Street South. The details of development are as follows:

|                  |                     |
|------------------|---------------------|
| Net Lot Area     | 1528 m <sup>2</sup> |
| Gross Floor Area | 205 m <sup>2</sup>  |
| Parking proposed | 17 spaces           |
| Landscape area   | 450 m <sup>2</sup>  |
| Building height  | 1 storey            |

Access to the parking area is from Main Street, with a drive-thru facility around the building. An alternate exit is proposed to the northerly alley for access to Dundurn Street. The alley in this area is proposed to be paved by the applicant.

The two existing billboards on the site are proposed to be removed and one new updated commercial sign standard will be constructed adjacent to the easterly property line.

The one storey building as shown in the attached perspective, is a stucco finish with a concrete roof tile. A tower with a bell is located adjacent to the Main and Dundurn Street intersection.

Since the proposed building is located at the widened limits of the proposed road dedication shrub and tree plantings are proposed within the widenings.

#### **COMMENTS RECEIVED:**

The Building Department has advised the following:

"For this development, Main Street West shall be the front yard.

1. A minimum 12 .0 m distance from the residential district to the north and the parking area has not been provided.
2. A minimum 30.0 m distance from the residential district to the north and the access driveway at the rear of the property has not been provided.
3. A minimum 1.5 m wide landscaped area along the front lot line for the parking area abutting Main Street West has not been provided.
4. The seating capacity of the dining area shall be in accordance with Section 3.1.16 of The Ontario Building Code regulations."

The Traffic Department in their attached comments have indicated that modifications are required to the drive-thru lane, island length and the requirements for a Driveway Approach Approval and have been marked in red on the plans.

The Roads Department in their attached letter have provided comments pertaining to the following:

- geodetic bench mark information.
- required dedication of road widenings on Main and Dundurn Streets.
- relocation of plant materials proposed within the widened road allowance.
- paving of the public unassumed alleyway to City of Hamilton standards.

#### **COMMENTS:**

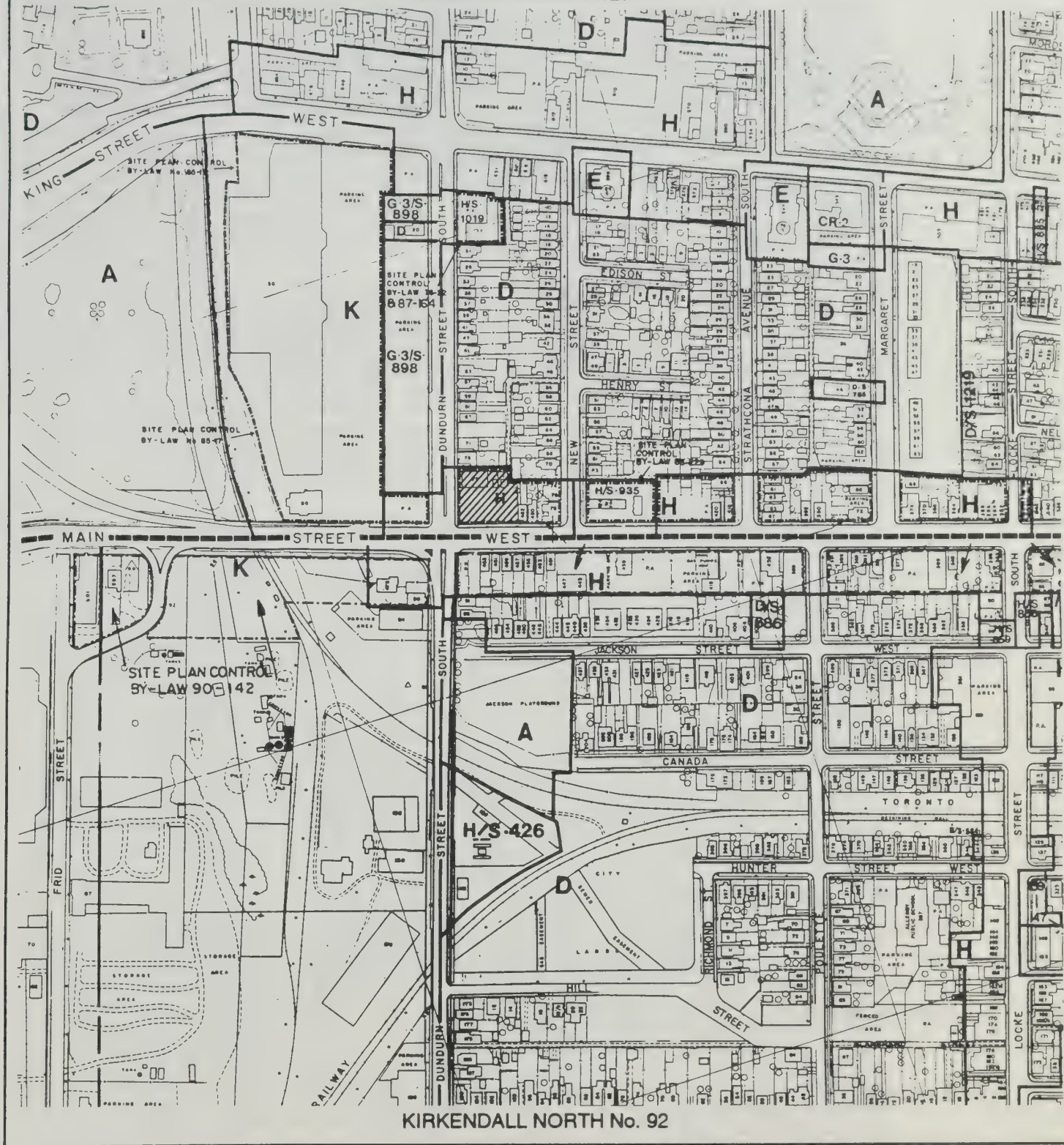
The proposed restaurant use is permitted within the established zoning district regulations. However, a number of issues dealing with general urban design, traffic circulation, variances, buffers, etc. have been the subject of meetings between the applicant, architect and staff representatives. The submitted plans address a number of the concerns and alternatives discussed, with additional red-lined revisions on the plans as required by the various departments.

In regard to the tower feature, the "City Entrance-Main Street West" report adopted by City Council on November 14, 1989, encouraged special design guidelines to accentuate specific site locations. The Dundurn and Main Street intersection was identified to be developed with a "dominant" structure. Although the concept of the "Taco Bell" tower is following the intent of the guidelines, a more commanding structure is preferred. The applicant has agreed to examine the height of the tower in more detail and provide revised plans to the Planning and Development Department.



In regard to the proposed variances dealing with a reduction in the distance requirements between parking/access and the adjacent residential district, alternative designs for the development have been examined in relation to the by-law requirements and the Main Street guidelines. The proposed design provides the most effective use of the property in consideration of the permitted use, urban design guidelines, and traffic circulation patterns. The applicant is in the process of providing additional details of the visual/acoustical barrier and plantings which are red-lined on the plans on the northerly property line along the unassumed public alleyway. In addition, the applicant intends to pave the alley from the parking area to Dundurn Street to provide a more suitable surface treatment for the alleyway. Since the unassumed alleyway provides a separation between the properties, and the variances are minor in nature, the proposed variances can be supported.

In regard to proposed plantings within the dedicated road allowances, specific details must be resolved with the appropriate departments. The future location of the municipal sidewalk and visibility from the access driveway and the alleyway may require adjustments in the location of the proposed tree plantings. A note on the plan has been included to contact the Roads, Traffic and Public Works Departments for additional details within the dedicated road allowances.



City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-93-31**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
NOT TO SCALE

Date  
SEPTEMBER 1993

Reference File No.  
DA-93-31

Drawn By  
Z.K.





THE NOBEL MUSEUM, STOCKHOLM, SWEDEN

THE NOBEL MUSEUM, STOCKHOLM, SWEDEN





## TRAFFIC DEPARTMENT

CITY OF  
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4

Tel. (905) 546-4510 / Fax (905) 546-2419

1993 October 19

Mr. V. J. Abraham, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: **DA-93-31**  
460 Main Street West


In response to your letter of 1993 September 23, please be advised that we have reviewed this application and have the following comments.

We request that the two curved sections of the drive-thru be widened to improve maneuverability through the drive-thru lane. These modifications are shown in red on the attached plan. Also the median separating the drive-thru lane from the alley should be reduced in length to allow single unit trucks to exit the site using the alley. This modification is shown in red on the attached plan. Subject to these modifications, we find this application to be satisfactory.

We approve of the location of the access in principle, but the applicant should be advised to contact Sue Hayward of the Traffic Department to make application for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Should you have any questions in regard to these comments please contact Sue Hayward at 546-4575.

Yours truly,

  
Murray F. Main, P.Eng.  
Director of Traffic Services

RK/SH/ks  
Attach.

## ROADS DEPARTMENT

### - MEMORANDUM -

\*\*\*\*\*

TO: J. Sakala  
Planning and Development Department

FROM: Eugene P. Chajka, P. Eng.  
Manager of Development  
Roads Department

SUBJECT: Site Plan Control Application DA-93-31 for the  
Taco Bell at 460 Main Street West, Hamilton

YOUR FILE: DA-93-31

OUR FILE: E220-1907

PHONE: 546-2809

DATE: October 26, 1993

---

#### GRADING AND SERVICING

The grading plan submitted dated September 21, 1993 is approved with respect to Regional concerns with grading.

Please have the applicant show the geodetic bench mark used to establish elevations on site on the final stamped grading plan.

#### TRANSPORTATION COMMENTS

We refer to your letter dated September 23, 1993 with respect to the above matter and provide the following comments:

- 1) The designated road allowance width of Main Street is 26.21m. In accordance with this designation, Survey Plan P-906 was prepared outlining lands required for road widening purposes. This road widening on Main Street from Dundurn Street easterly, adjacent to the subject lands, is approximately 2.962m in width. A copy of this road widening plan indicating the required dimensions was given to the applicant at our previous meeting on May 13, 1993 and was also faxed to the architect on October 13, 1993. This road widening must be dedicated to the Region as a condition of site plan approval.

Cont'd...

**Site Plan Control Application DA-93-31 for the  
Taco Bell at 460 Main Street West, Hamilton**

Cont'd...

**TRANSPORTATION COMMENTS (Cont'd)**

- 2) The designated road allowance width of Dundurn Street is 26.21m. In accordance with this designation, we would normally require that a 3.048m road widening be dedicated to the Region as a condition of site plan approval. There was previous discussion whether this widening could be reduced to 2.13m in width. Having reviewed our cross-section requirements, this widening reduction could be considered provided that the owner accepts the following:

That the 1.00m strip of land between the widened Dundurn Street road allowance and the drive-thru be maintained and landscaped by the owner and that the owner recognized that as this roadway is widened and reconstructed in the future, there will be no landscaping within the boulevard other than sod, where applicable. The landscape plan submitted by the applicant indicates that a number of trees and shrub material will be planted within the Main Street and Dundurn Street road allowances. This proposal will result in landscaping and tree relocation/removal when Dundurn Street and the sidewalk is reconstructed. One alternative to this would be that the owner relocate the municipal sidewalk to the widened street line of Dundurn Street at this time and then place any new planting or vegetation within the boulevard. This new planting and new vegetation within or adjacent to the road allowance must not exceed a mature height of 0.60m above the corresponding perpendicular centreline elevation of Main Street and Dundurn Street. This is also required to ensure adequate motorist sight distances entering Main Street and Dundurn Street from the alley/Taco Bell. If the applicant chooses this option, engineering drawings will have to be submitted for our approval.

- 3) The alley adjacent to the subject lands is public unassumed and as such the City of Hamilton cannot guarantee free and clear access to the subject lands from the alley. Since the alley is considered as an access to the Taco Bell Restaurant, we recommend that as a condition of site plan approval that the alley be upgraded to City of Hamilton standards. Comments on this, access, loading, traffic signing etc. from the City of Hamilton Traffic should also be considered.

Cont'd....



-page 3-  
October 26, 1993

**Site Plan Control Application DA-93-31 for the  
Taco Bell at 460 Main Street West, Hamilton**

Cont'd...

**TRANSPORTATION COMMENTS (Cont'd)**

- 4) All portions of the Taco Bell sign, decorative structure, footings etc. must be located on private property only and not within the adjacent road allowances, as widened. The proposed sidewalk within the Main Street road allowance, as widened, must be constructed flush with the adjacent property. Any other works which may occur within the Main Street and Dundurn Street road allowances, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law.
- 5) According to the most recent plans submitted, there are no decorative or privacy fences along either property line, within the road allowances, as widened, the alley and beside the south-side of the alley which will affect motorist's visibility and we have reviewed these plans based on this information.

*Cell* EH/md 

cc: B. Douglas, Regional Surveys  
cc: R. Karl, Traffic Department

C (b)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 October 25  
(734.2 04)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

RECEIVED

OCT 27 1993

CITY CLERKS

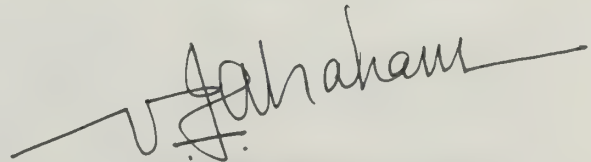
**SUBJECT:** Proposal to rename Confederation Drive and part of Nash  
Road North to Van Wagner's Beach Road

**RECOMMENDATION:**

- a) That the Regional Municipality of Hamilton-Wentworth be advised that The City of Hamilton does not object to the proposed renaming of Confederation Drive, and a portion of Nash Road North, to Van Wagner's Beach Road;



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department



V. J. Abraham, M.C.I.P.  
Director  
Local Planning Branch

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Section 210, Paragraph 111 of the Municipal Act (R.S.O. 1990) gives municipalities the authority to change the names of public highways under their jurisdiction. Regional Road 104, running

along the lake between Beach Boulevard and Highway No. 20, currently consists of Van Wagner's Beach Road, part of Nash Road North, and Confederation Drive (maps attached).

Regional policy for the names of Regional Roads is usually to designate the road by number, and continue with the locally accepted name then in use. In this case, the Hamilton Region Conservation Authority has initiated a proposal to consolidate all parts of Regional Road 104 under the single name "Van Wagner's Beach Road".

### Comments

Originally, Van Wagner's Beach Road extended to Highway No. 20 along the lakeshore. When Confederation Park was redeveloped by the City of Hamilton with restricted access, a by-pass road was built (Confederation Drive) extending from Nash Road to Gray's Road. Van Wagner's Beach Road was terminated at Nash Road. Further development of the park in the 1980's by the Conservation Authority, with controlled access through a gatehouse, resulted in Confederation Drive being divided at Highway No. 20. The western part is outside the park and the eastern part is inside the park. The western roadways in the park, including the entrance drive, are unnamed. Confederation Drive property owners are the Regional Municipality of Hamilton-Wentworth and Langs Cold Storage.

The portion of Nash Road North proposed to be renamed has been isolated since the intersection with the Queen Elizabeth Way was closed in the early 1960's. The Region is the affected landowner. There is a small residential enclave (8 properties) just south of Confederation Drive, and Langs Cold Storage also uses this part of Nash Road as its mailing address. Because this part of the road is under City jurisdiction, it is not being renamed.

The Conservation Authority has requested that the Region initiate the proposed renaming in order to emphasize the continuity of the lakeshore recreational area from Beach Boulevard to Confederation Park, by using a single name for the public access road. Since Van Wagner's Beach Road has existed in some form for almost two hundred years, it would be appropriate for this name to be used for the entirety of the road.

### Conclusion

The proposed renaming would not adversely affect adjacent property owners, who are in fact supporting the initiative. Therefore, the Region should be advised that the City has no objection to the proposal.

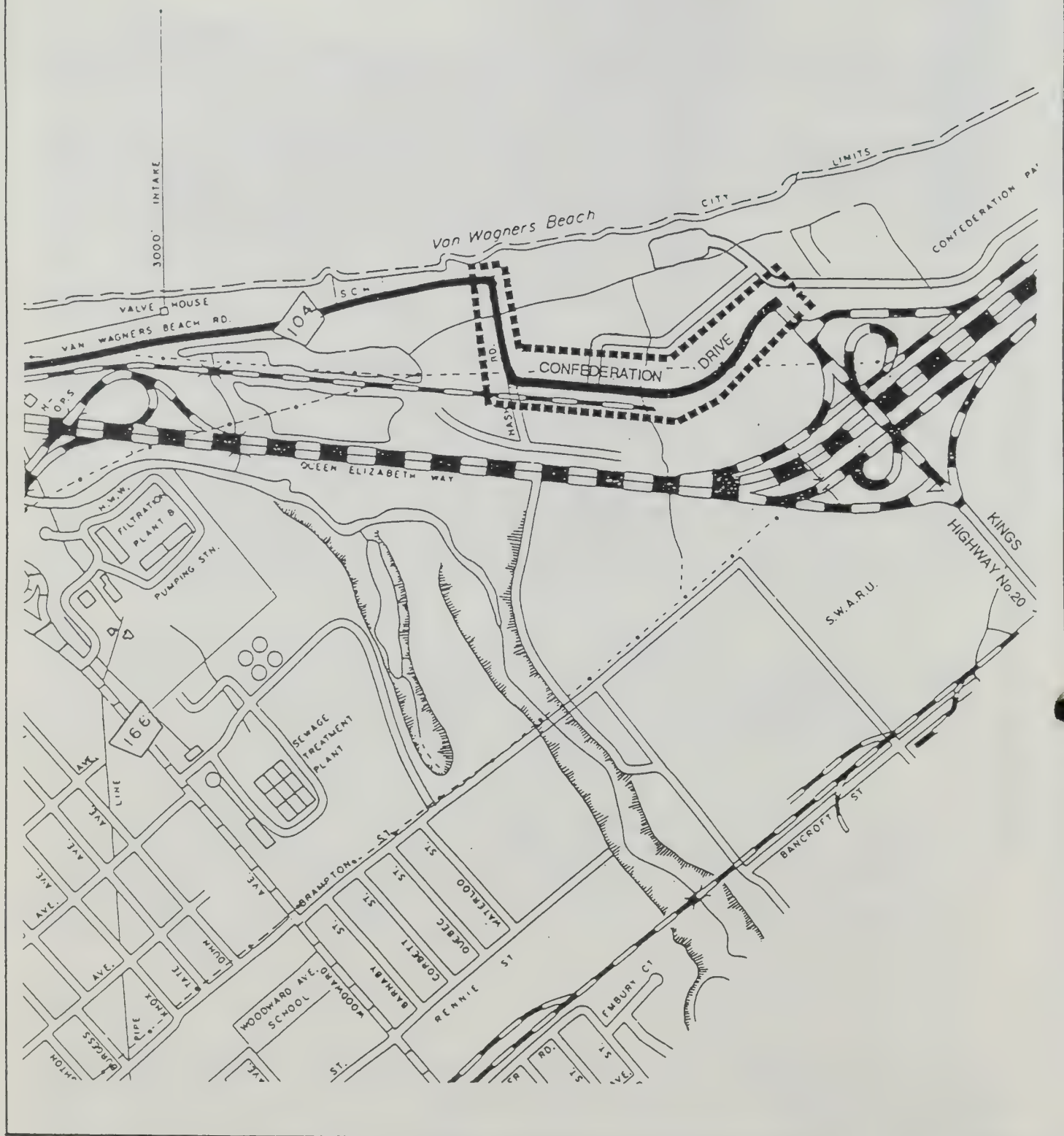
JA  
Attach.



# THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

LOCATION OF PROPOSED  
STREET NAME CHANGE

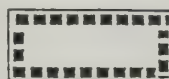




# REGIONAL ROAD 104 PROPOSED STREET NAME CHANGE

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



LOCATION OF PROPOSED  
STREET NAME CHANGE

North



Scale

N.T.S.

Date

JULY, 1993

Reference File No.

PLA-93-058

Drawing No.



D.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 October 27

**REPORT TO:** Members of the Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** INFORMATION ITEMS

**RECOMMENDATION:**

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Bordon & Elliot per Hamilton Harbour Commissioners Re: Official Plan Amendment No. 80 dated 1993 September 28
- (b) City Solicitor Re: Multiple Complaints Charges: Zoning By-law dated 1993 October 18
- (c) Commissioner of Planning and Development Re: Request to amend the approved Beasley Neighbourhood Plan to close the southern portion of Cathcart Street dated 1993 October 20.

*T. Agnello*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**





URBAN/MUNICIPAL

CA4 ON HBL A05  
CSIP4  
1993



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

1993 November 18

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1993 November 24  
9:30 o'clock a.m.  
Room 233, City Hall

URBAN M

NOV

1993

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary  
Planning and Development Committee

**A G E N D A:**

**9:30 O'CLOCK A.M.**

**PUBLIC MEETINGS**

1. Zoning Application 93-33, N. Janjic and G. Kugler, owners, for a modification to the established "H" District regulations, for property located at Nos. 295-303 York Boulevard; Strathcona Neighbourhood

**Submissions:**

- (a) Dawn Adams, 151 Queen Street North, Apt. 2608, Hamilton dated 1993 November 13
- (b) Dawn Adams, 151 Queen Street North, Apt. 2608, Hamilton dated 1993 November 18
- (c) Mr. & Mrs. Hamilton, 75 Queen Street North, Unit 2201, Hamilton
- (d) Peter H. Ashenhurst, Ashenhurst Nouwens, 315 York Boulevard, Suite 201, Hamilton





2. Zoning Application 93-30, Benemar Construction Inc. and the City of Hamilton, owners, for changes in zoning from "RT-20" District to "AA" District (Block "1") and from "AA" District to "RT-20" District (Block "2"), for lands located east of Upper Wentworth Street and north of Vineberg Drive; Chapple East Neighbourhood
3. Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at No. 1367 Upper James Street; Ryckmans Neighbourhood

**9:45 O'CLOCK A.M.**

4. Zoning Application 92-41, Shedaco Holdings Limited (R.S. Shelley), owner, for changes in zoning from "AA" District to "B" District (Block "1") and to "C" District (Block "2"), for lands located at No. 625 Rymal Road West; Carpenter Neighbourhood
5. Zoning Application 93-23, Don Newman (Newman Developments), prospective owner, for a change in zoning from "H" District to "E" District, modified, for lands located at No. 145 MacNab Street North; Central Neighbourhood

**Submission:**

- (a) Rose Seminara on behalf of residents of MacNab, Mulberry, Cannon, Park

6. **CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF LOCAL PLANNING**

Hamilton GO Transit Service Expansion - Noise Study for Victoria Avenue Layover Yard and Hunter/Canada Street Area

7. **HARBOURFRONT PARK**

- (a) Commissioner of Planning and Development Report
- (b) CAPIC Report

8. **BUILDING COMMISSIONER**

Permit Fee for Installation of Siding for Single Family Dwellings



9. **FOR DISCUSSION**

- (a) 1st 1994 January Planning and Development Committee Meeting
- (b) Outstanding Items List

10. **CONSENT AGENDA**

11. **OTHER BUSINESS**

12. **ADJOURNMENT**





# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

| Item No. | Item   | Original Date    | Action   | Status  |
|----------|--|------------------|--|---|
| 1.       | Mobile Signs   |                  | Planning   | Report Pending  |
| 2.       | C.I. 90-F - Parking requirements in the Central Business District                                      | 1990 July 25     | Planning   | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee |
| 3.       | Conditions of Conversions - Separate Utility Controls  | 1991 June 19     | Building   | Report Pending  |
| 4.       | Site Plan Control Application DA-91-50 45 Hempstead Drive  | 1992 January 8   | Planning   | Tabled - Applicant directed to proceed through Committee of Adjustment  |
| 5.       | ZA-91-12 - 25 Hess Street South  | 1992 June 24     | Applicant  | Tabled for negotiations between parties   |
| 6.       | ZA-92-03 - 212 James Street South  | 1992 June 24     | Applicant Harper Brothers Holdings                   | Tabled to submit amended application  |
| 7.       | Definition of "Foster Home" and "Residential Care Facility"  | 1992 November 18 | Alderman T. Cooke                                    | Planning & Building Departments to prepare a report   |
| 8.       | Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots                         | 1993 February 3  | Alderman H. Merling                                  | Tabled to allow previous Sub-Committee to review matter   |
| 9.       | Implementation of Public Participation Policies - Central Area Plan                                    | 1993 March 24    | Planning   | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11  |
| 10.      | Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods | 1993 July 21     | Planning & Traffic                                   | Tabled to allow review by Staff   |
| 11.      | Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools                           | 1993 October 6   | Building Commissioner and Director of Local Planning | Report Pending  |





| <b>Item No.</b> | <b>Item</b>   | <b>Original Date</b> | <b>Action</b>                       | <b>Status</b>                                    |
|-----------------|---|----------------------|-------------------------------------|--|
| 12.             | Closure of Walkway between Fonthill Road and Upper Paradise Road            | 1993 November 3      | Transport and Environment Committee | Awaiting recommendation on assumption of walkway |
| 13.             | Review of Parking Lot Regulations - Minimum lighting requirement for safety | 1993 November 3      | Planning                            | Report Pending                                   |
| 14.             | Site Plan DA-93-31: Taco Bell, 460 Main Street West                         | 1993 November 3      | Transport and Environment Committee | To report back on assumption of Alleyway         |

Tina Agnello, Secretary  
1993 November 18



1

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** November 11, 1993  
ZAR-93-33  
Strathcona Neighbourhood

RECEIVED

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

NOV 15 1993

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development


CITY CLERKS

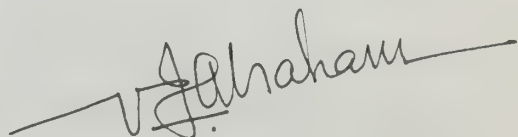
**SUBJECT:** Request for a modification in Zoning - No. 303 York  
Boulevard.

**RECOMMENDATION:**

That Zoning Application 93-33, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room on the second floor of the existing building located at 303 York Boulevard, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (i.e. loitering, noise, parking on adjacent residential streets);
- ii) The subject lands are in close proximity to two schools (i.e. Hess Street Public School and Sir John A. MacDonald Secondary School);
- iii) There is an adequate supply of lands within the city that are appropriately zoned for the proposed use (i.e. "G-1", "G-2", "HH", "I", "J", "K" and "M-13" Districts);
- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- v) It conflicts with Council adopted policy, in that similar applications (ZA-90-10, ZA-91-80) to permit a penny arcade and a billiard hall at 314-318 Queenston Road, as well as another similar application (ZA-91-11) to permit a billiard room on the lands located at 324 Queenston Road, were denied.

  
**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V.J. Abraham, M.C.I.P.**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant intends to convert the second floor of the existing building (approximately 4000 sq. ft.), at 303 York Boulevard, to operate an up scale recreational billiard facility (see Appendix "B"). Other uses within the building include a 3,000 sq. ft. Mini-A-Mart and a 40 seat restaurant both on the ground floor and a banquet facility with storage in the basement.

- By-law 83-192

On June 29, 1983, City Council passed By-law 83-192 which modified the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to the lands at 303 York Boulevard, to permit a public hall (banquet hall) having a maximum capacity of 171 persons within the existing building.

- By-law 78-184

On July 28, 1978, City Council passed By-law No. 78-184 which removed, among other uses, billiard rooms as a permitted use within the "H" (Community Shopping and Commercial, etc.) District due to negative spill-over effects from these uses which include: noise, on-street parking, and headlight glare. This situation arises within the "H" District as "H" zoned lands front on arterial roads and abut low-density (typically single-family homes) residential land at the rear. Billiard rooms existing at the date of passing of the By-law were allowed to continue under the By-law. The By-law received Ontario Municipal Board approval on April 6, 1979.

- Zoning Application 90-10

On March 21, 1990, the Planning and Development Committee adopted a recommendation to deny Zoning Application 90-10 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a penny arcade and a billiard room in the basement of the existing building at 314-318 Queenston Road. City Council, at its meeting of March 27, 1990, adopted the recommendation of the Planning and Development Committee.

The applicant appealed the decision of City Council to deny ZA-90-10. On June 18, 1991, an Ontario Municipal Board hearing was held to consider this matter at which time the Board reserved its decision. On August 9, 1991, the Ontario Municipal Board dismissed the appeal on the grounds that, **"the requested extensions of uses to the subject site is not appropriate and it does not represent good planning"**.

- Zoning Application 91-11

At its meeting held on May 22, 1991, the Planning and Development Committee **denied** an identical zoning application to permit a billiard room on the ground floor of the existing building located at No. 324 Queenston Road. City Council, at its meeting of May 28, 1991, adopted the recommendation of the Planning and Development Committee.

- Zoning Application 91-80

At its meeting held on February 5, 1992, the Planning and Development Committee denied another zoning application to permit a billiard room in the basement of the existing building located at No. 314-318 Queenston Road. City Council, at its meeting of February 11, 1992, adopted the recommendation of the Planning and Development Committee.

***LOT SIZE AND AREA:***

- 53.39 m (191.6 ft.) of lot frontage on York Boulevard;
- 31.72 m (104.07 ft.) of lot depth; and,
- 1270.68 m<sup>2</sup> (13,678 sq.ft.) of lot area.

***LAND USE AND ZONING:***

|                          | <u>Existing Land Use</u>   | <u>Existing Zoning</u>  |
|--------------------------|----------------------------|---|
| <u>Subject Lands</u>     | Commercial                 | "H" (Community Shopping and Commercial, etc.) District<br>- Modified. |
| <u>Surrounding Lands</u> |                            |   |
| to the north             | Commercial                 | "H" (Community Shopping and Commercial, etc.) District<br>- Modified. |
| to the south             | Commercial                 | "H" (Community Shopping and Commercial, etc.) District<br>- Modified. |
| to the east              | Commercial                 | "H" (Community Shopping and Commercial, etc.) District<br>- Modified. |
| to the west              | Commercial and Residential | "H" (Community Shopping and Commercial, etc.) District<br>- Modified. |

**OFFICIAL PLAN:**

The subject lands are designated **COMMERCIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
  
- A.2.2.14      The **EXTENDED COMMERCIAL** category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
  - i)      "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.
  
- A.2.2.33      **COMMERCIAL** establishments or centres that are proposed adjacent to existing **COMMERCIAL USES** will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
  
- A.2.2.35      The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
  
- A.2.2.36      In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the **COMMERCIAL** designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The proposal does not conflict with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The lands are designated "**COMMERCIAL**" on the approved Strathcona Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

**RESULTS OF CIRCULARIZATION:**

- The following Department and Agencies have reviewed the proposal and have no objection:
  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Union Gas.



- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands."

- The Building Department has advised:

"1. In 1978, your Department allocated the municipal number of 303 York Boulevard.

2. A billiard facility is not a permitted use.

3. Provided the existing banquet facility capacity does not exceed 171 persons, By-law 89-192 exempts the banquet facility from requiring additional parking.

4. The existing sixteen (16) and one (1) loading space is sufficient for the proposed billiard facility of 4000 square feet and the existing uses of a restaurant, retail sale mini-mart and the remaining commercial floor area."

- The City Licensing Administrator has advised that:

"With regard to your request for comments respecting the above application, I would advise that this department has concerns relative to billiard halls located near schools. I am advised that there are two schools near this proposed facility.

While application has not been made for an arcade (amusement machines), should the billiard hall be permitted, I believe a request for a further modification would be forthcoming. Notwithstanding my concern about an arcade, we experience problems such as complaints from parents and teachers about children being truant from school. Many of them are found in billiard halls.

Prior to its recent closure, we experienced such a problem with billiard hall and amusement arcade across from Delta Secondary School. It was an ongoing source of complaint and resulted in our enforcement staff responding to many complaints.

In conclusion, the Licence Division of the City of Hamilton does not support the proposed Billiard Hall."

- The Hamilton Board of Education verbally advised that they support the City's policy re: criteria used to evaluate the merits of permitting uses such as billiard rooms and arcades in close proximity to residential areas and school sites.

- The Hamilton Wentworth Separate School Board has advised that:

"The Board does not have any objections to a billiards hall in general; however, when they are located within close proximity to a school (elementary) certain precautions should be taken.

Billiard halls should be adequately supervised in order that children under the age of 16 are not allowed in the establishment during normal hours. Any curfews imposed by the City should also be enforced.

If there is co-operation between the owners and the neighbouring school regarding the above, than problems should be minimized."

#### **COMMENTS:**

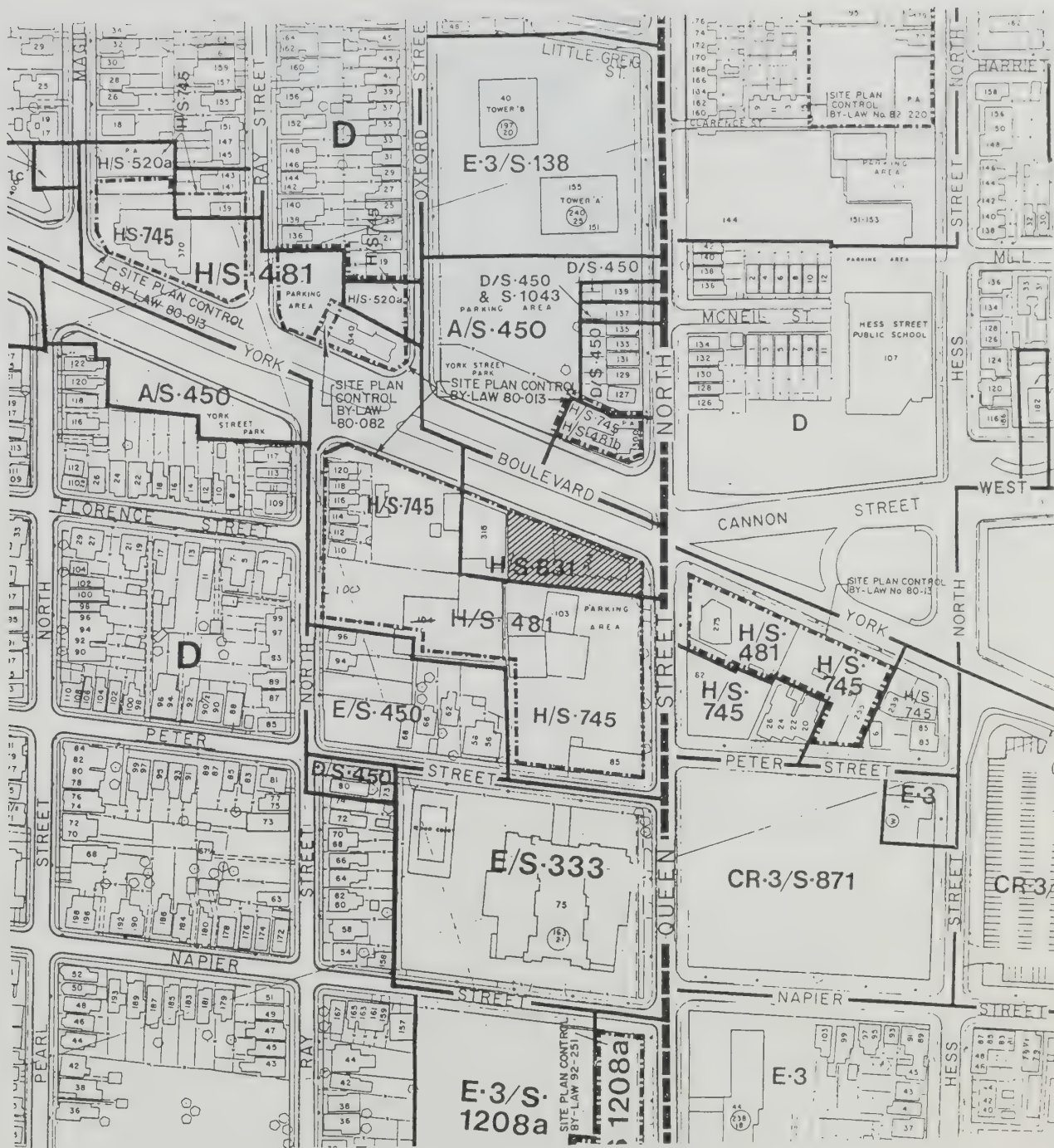
1. The proposal does not conflict with the intent of the Official Plan and the approved Neighbourhood Plan.
2. Although the applicants have indicated that it is their intent to operate an up scale recreational billiard facility (see Appendix "B") and restrict minors who are not accompanied by an adult, the application cannot be supported for the following reasons:
  - i) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (i.e. loitering, noise, parking on adjacent residential streets);
  - ii) The subject lands are in close proximity to two schools (i.e. Hess Street Public School and Sir John A. MacDonald Secondary School) which are located 500 ft. and 1000 ft. to the north-east and east, respectively;
  - iii) There is an adequate supply of lands within the city that are appropriately zoned for the proposed use (i.e. "G-1", "G-2", "HH", "I", "J", "K" and "M-13" Districts);
  - iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
  - v) It conflicts with Council adopted policy, in that similar applications (ZA-90-10, ZA-91-80) to permit a penny arcade and a billiard hall at 314-318 Queenston Road, as well as another similar application (ZA-91-11) to permit a billiard room on the lands located at 324 Queenston Road, were denied.

Furthermore, it should be noted that the Zoning By-law cannot prohibit/restrict potential users (i.e. minors) and/or ensure proper management of such facilities. In this regard, the City Licensing Division has advised that they have experienced problems such as complaints from parents and teachers about children being truant from school when billiard halls are located in close proximity.

#### **CONCLUSION:**

Based on the foregoing, the application cannot be supported.

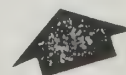
JL/  
WPZAC9333



# Legend



Site of the Application



ZAR-93-33

APPENDIX A





## the in hangout

Think "pool hall" and what comes to mind? Dark...seedy...men only? Think again: the new wave of billiards clubs—a fresh alternative to smoky bars and booming discos—is attracting trendsetters of both sexes.

Montreal has Le Swimming; Toronto, Upstairs at the Rivoli. And in Vancouver, the hippest new pool club is thriving in a cavernous former Alfa Romeo dealership in Yaletown. "Automotive," the brainchild of a group who learned their cues in the fashion biz (including former FLARE fashion editor David Newson who is behind the eight-ball as the club's general manager), retains the flavor of its racy past. Guest DJs spin tunes from inside an open-top pink Mini. Walls are decked with formula-racing style advertising. Have a new-age snack or a fresh-squeezed juice, watch a vintage '50s television, and shoot a gender-neutral game of pool; it's all so '90s. What's next—wrestling and salad?

Subject Property

295-303 York Boulevard  
Zoned "H" amended to H-S831 Bylaw #83-192

The subject property is a modern two storey masonry structure situated on the south side of York Boulevard at the corner of Queen Street North. York Boulevard is a major arterial access into the Hamilton downtown core from Highway 403, and is the main avenue for the westbound development of the city's business centre. The site is within 4 blocks west of Copps Colliseum and the new Eaton Centre development at York and James. Vehicular traffic at Queen and York has been counted in excess of 40,000 cars per day and the site is considered as an excellent downtown commercial property.

Landlord

Ned Janjic 628-2314

Intended Use

Set up, own and operate a first class billiard facility consisting of approximately 4000 sq. ft. to occupy the second floor.  
Zoning required HH, G2, J or K.  
Require amendment to present zoning or Committee of Adjustment approval.

Previous Use

Canadian Back Institute, physiotherapy and occupational therapy clinic. Full-time staff of 8-12 and serviced hundreds of patients daily.

Ground Floor Tenants

Mini-A-Mart - 3000 sq. ft.  
Hees Garden Restaurant seating approx. 40  
Basement - banquet facility & storage.

Parking

Property presently has 24 on site parking spaces (marked)  
Very large municipal parking lot occupying a full city block located 50 meters directly behind the building on the east side of Queen Street.  
Parking requirements necessary for a billiard facility are 100 sq. ft. allowed per person and 1 car necessary for every 6 people. Therefore we need 7 park spaces for a 4200 sq. ft. facility. Parking could be easily accommodated.

Area

Area is zoned "H". Map 127 in the Planning Department also shows proposed usage for the area to be H commercial. At present the neighbours consist of a large auto body business on the south side of the property, a commercial building and a series of warehouses on the west side of the property. The north side of the building is York Boulevard with modern commercial usage. The east side of the building being Queen Street North is occupied by the Bank of Commerce. There is no immediate residential housing near the building.

In the past year we (Ned Janjic & Gerda Kugler - owners) have spent a considerable amount of time viewing various billiard facilities from Hamilton to Toronto. Being the owners of 295-303 York Boulevard and now having an unoccupied area of 5000 sq. ft. on the second floor we believe we have the ideal and perfect location for a first-class billiard facility.

The space available already complies with all building, fire, health and environmental standards. There is complete up-to-date electrical, plumbing, heating, air conditioning, stairways, exists and separate private second floor entrance.

We estimate we can accommodate approximately ten or perhaps twelve tables in an open, clean, professionally and newly decorated area surrounded by windows on three outside walls and to include new combination of carpet and tile flooring.

Our intention is to operate a family run business and complement the existing stable and respectable tenants being - Hees Garden Restaurant, Min-A-Mart Variety and Father & Son Construction office and of course complement the surrounding area. The cities of Burlington, Oakville, Mississauga and Toronto have all in the past few years allowed for similar billiard facilities. They are all a far cry from the 'facility of old' and gear towards catering to a broad spectrum of the community - males, females young and old, couples, senior citizens, professionals, etc. (minors not allowed unless accompanied by an adult).

We firmly believe we could service Hamilton with a prestigious recreational activity and pastime employing the principles of geometry and physics on an entertaining and healthy level.

Ned Janjic & Gerda Kugler  
628-2314



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 NOV 15

ZA-95-33

1a)

my Planneis;

RECEIVED  
NOV 15 1993  
CITY CLERKS

RE: The proposed changes to the property on NOS. 295-303 York Boulevard.

This is a residential area very close to downtown. There are 2 schools within a block of this property. The lower part of the property contains 2 convenience stores and a restaurant.

A billiard hall is just a fancy name for a pool hall. It will become a local hangout. Depending on which age group this place caters to, we will be looking at a great choice between drunks or druggies everytime we go to use the shops already there. I have two small children, but not so small that they could not be influenced by such a hangout. I am violently opposed to this type of enterprise

Peter Fleur

being introduced into the community. We are close enough to downtown to attract any manner of lunatic.

This could only hurt the already established businesses as I, for one, would not frequent either Min-a-Mart or Salvages if a poolhall opened here.

The community has been trying a programme for pre-teens and teens to interest them in sports and other healthy recreational activities here in the gym at 157 Queen St. N. Yet half a block away a poolhall may be established. This would sabotage this programme.

I fail to see how pool tables can pay for themselves so I must assume that there will be other entertainment in the form of alcoholic beverages or video games.

Petit Fleur

be something of that nature. Supposedly men will be restricted. How long will this restriction hold up if business falls off? Call me a cynic - I don't buy it.

I just moved here from Winnipeg. There, pool-halls were bad news.

Most bars had 1 or 2 pool tables so the poolhalls were primarily drug hang-outs. I just moved into this apt. and if this poolhall is allowed, I will move out. There are too many children here for such an establishment to be allowed. Even if they do not frequent the place, they will see some of those who do & more importantly, they will come to accept it as a part of the community just because it is there. I don't want my kids in or near a poolhall, thank you, nor

Petit Fleur



do I care to have them  
run into the patrons  
of such a place.

I hope you carefully  
consider the effects of  
a poolhall (+ its patrons)  
would have on the  
children of this area.  
The only sensible thing  
is to disallow the  
request to establish one &  
let the building remain  
a place for family  
shopping.

I don't want to run  
into a looney-toon every  
time I have to buy  
milk or bread. Would  
you want a poolhall  
half a block from your  
children? I don't.

Sincerely,

Glenn Adams

151 Queen St. N.

Apt #2608, Hamilton

L8R 2V7

phone: 572-6581

P.S. Why don't they operate a  
bowling alley or roller rink -  
then at least <sup>every</sup> ~~the~~ the people living  
here could use it!

16

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 NOV 18

HAMILTON, ONT.

RE: PLANNING DEPT. FILE: ZAR-93-93.

I am writing to object to a zoning change for the property NO. 295-303 York Boulevard which would allow the establishment of a billiard hall on these premises. It is described to be an upscale billiard hall, family run, which restricts the patronage of minors to those accompanied by an adult.

My objections follow:

1. There are 2 schools in the immediate vicinity Hess St. School and Sir John A. MacDonald High. A pool hall is not a positive influence on children. It never has been.
2. Regardless of any original intent, this could in time become a regular pool hall. The re-zoning is permanent. The establishment, not the city, determines the patronage in accordance, of course, with city by-laws.
3. I personally do not understand the terminology "upscale billiard hall." I assume this refers to the "class" of patrons. Any business would have to be supported by the

community since it is unlikely to draw people in from very much farther away. Since I have seen no market research or feasibility study to suggest that this area of North Hamilton can support such an establishment, I must conclude that the actual target market is the youths of the community.

4. I moved to Hamilton from Winnipeg at the end of August this year. As a consequence, I did not know the ethnic make-up of the community. Attempting a petition against this re-zoning pointed out to me that many members of the community who were legally informed of this application, are functionally illiterate in English and may not even know about this proposed change. I was only recently aware of community groups etc. which could have helped. It is too late now, of course. But, these are the parents whose children are in this area. I would hope that intent is as important as the letter of the law and that a community meeting could be organized (complete with translators) before a final decision is made. At least, then you would have a possibly more accurate community response. I may be the only objector but at least we would all know if a meeting



were allowed.

Further to this, the Hess St. School was uninformed, yet they are within the 400 ft. radius required to be notified. The high school is outside the radius - perhaps conveniently.

5. Pool halls are notorious as drug hangouts, gang hangouts and gambling hangouts. All of this is undesirable in a community of so many children. The Wesley Urban Ministries offer pre-teens and teens a programme (in the Victoria Pk. Community Center) which gives children an alternative to the streets. Half a block away, there may be a pool hall. Basketball and floor hockey may not be able to compete with pool tables and video arcades.
6. The Community Police told me to research The Lounge and Delta High School in the Public Library. It took Mr. Wilson a very long time to close The Lounge down even though there were violations for which the owners were charged - namely operating a pool hall without a license. What would happen if you license one? What if this upscale billiard hall degenerates over time? I do not want to be afraid to live in a community. I'm not now but I do not want to run into the usual pool hall resident every

time I go to a convenience store or catch the bus. Across the street from this property is a large park belonging, I believe, to Victoria Park Housing. It is not lit and is a perfect place for kids to do drugs, conduct fights, etc.

7. A family-run enterprise is not family entertainment. This phrasing implies respectability but I still will never collect the kids and go to a pool hall.
8. Children, especially young children, would learn to accept this in their neighbourhood simply because it is there. There are enough battles for parents to fight - don't give them another - please!

In conclusion, this may seem too negative - a doom and gloom letter, but if the re-zoning is allowed I will uproot my children again and move to what I would consider a safer location. It seems too big a gamble for me to wait to see if the billiard hall would change anything in the community. It seems to me "an ounce of prevention..." to move, on my part.

Thank you for your time.

Sincerely,  
Dawn Adams  
(DAWN ADAMS)

NOV 18 1988 MB.

11:00am

1C)

2AR43-33

Reasons for opposing:

- ① Will lower value of residential property in the area.
- ② Too near to schools. May encourage students to skip classes to play billiards or pool.

Mrs Mrs Hamilton  
75 Queen St. N.  
Unit 2201, Hamilton  
282 3J3







Surveys of Residential, Commercial & Rural Properties  
Subdivision Planning, Design and Layout  
Engineering & Topographic Surveys  
Civil and Municipal Engineering Projects  
Drainage Studies & Reports  
Industrial Building & House Designs

1 d

H. B. Ashenhurst, P.Eng., O.L.S., (deceased)  
John P. Nouwens, Dipl. Planning, O.L.S.  
Peter H. Ashenhurst, C.S.T., C.E.T., F.R.A.S.  
Donald Senft, B.Eng., P.Eng.  
Geoff Aldworth, B.Sc., O.L.S.  
Zahir Najak, B.A.Sc., P.Eng.

HAMILTON OFFICE:  
315 York Blvd., Suite 201  
Hamilton, Ont. L8R 3K5  
(416) 529-6316  
(416) 529-4314  
Fax (416) 529-6651

GRIMSBY OFFICE:  
Orchardview Village Square Plaza  
155 Main St. E., Suite 203  
Grimsby, Ontario L3M 1P2  
(416) 945-4599  
Fax (416) 945-6392

November 12, 1993

The Corporation of the  
City of Hamilton  
71 Main St. W.  
HAMILTON, Ontario  
L8N 3T4

RECEIVED

NOV 16 1993

CITY CLERKS

Dear Sirs:

RE: ZONING APPLICATION ZAR-93-33

Please find enclosed the responses to the above application, from both the above listed company and Ashenhurst Nouwens & Associates Ltd.

At this time we would note that our objection is not towards the intended use of the building for a pool hall, but towards the potential clientele. We moved into 315 York Blvd. 5 years ago, and the property was a "hangout" for young people, mostly boys. It was very difficult to get them off the property and all legal means, by both signage and talking to some parents was to no avail. In fact one parent actively encouraged us to lay charges as they could not control the young boy. In addition we believe that the Young Offenders Act also mitigates against any sensible restraint from the young people.

As noted, it has taken several years to rid ourselves of their presence and the damage that they caused, including breaking into the cars of our staff. This has only been accomplished by rigorous use of the police force, and the laying of various charges including Break & Enter etc. We do not want to start that issue again. However, now that we have rid ourselves of the young people, we do not want to attract them back to the area.

In addition, when "The Back Institute" was in the same location as the Application is for, we continually had problems with their clientele using our limited 7-place parking lot. Further the restaurant in the same building (305 York) has difficulty with parking requirements, and the addition of a pool hall will burden the already difficult parking situation. While we have our lot posted under the local by-law, it is difficult to administer on a continuous basis.

We can sympathize with the owners in their attempt to install a fee paying tenant, especially in these difficult times. But, we would strongly suggest that there be some form of parking & client control. If clients were restricted to 18 years of age and older, the force of law would help in any control situations that may occur.

If there are any further questions, please give me a call.

I remain,

Yours very truly  
ASHENHURST NOUWENS LIMITED  
&  
ASHENHURST NOUWENS & ASSOCIATES LTD.  
per



Peter H. Ashenhurst

encl.



2.

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1993 November 10  
ZAR-93-30  
Chappel East Neighbourhood

RECEIVED

NOV 12 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for changes in zoning - lands located in the area east of Upper Wentworth Street and north of Vineberg Drive.

**RECOMMENDATION:**

That approval be given to Zoning Application 93-30, Benemar Construction Inc. and The City of Hamilton, owners, requesting a change in zoning from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District (Block "1"), and from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District (Block "2"), to allow Block "1" to be added to the adjoining open space lands (located at the north-east corner of Upper Wentworth Street and Vineberg Drive), and to allow Block "2" to be developed for townhouses or maisonettes, in conjunction with the adjoining lands to the east, for lands shown on the attached map marked as Appendix "A", on the following basis:

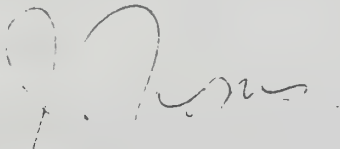
- i) That Block "1" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District;
- iii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-27E for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and
- v) That the Chappel East Neighbourhood Plan be amended by redesignating Block "1" from "Attached Housing" to "Open Space", and Block "2" from "Open Space" to "Attached Housing".

**EXPLANATORY NOTE:**

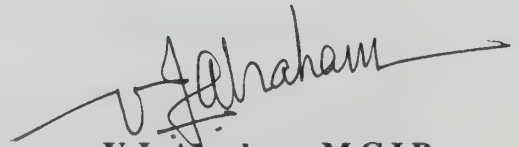
The purpose of the By-law is to provide for changes in zoning for lands located in the area east of Upper Wentworth Street and north of Vineberg Drive, as shown on the attached map marked as Appendix "A", on the following basis:

- Block "1" - from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District;
- Block "2" - from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District.

The effect of the By-law is to allow Block "1" to be added to the adjoining open space lands (located at the north-east corner of Upper Wentworth Street and Vineberg Drive), and to allow Block "2" to be developed for townhouses or maisonettes, in conjunction with the adjoining lands to the east.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is requesting a change in zoning from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District (Block "1"), and from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District. The purpose of the proposed rezoning is to facilitate a land exchange between the City and the applicant. It is intended that Block "1" will be added to the adjoining open space lands and Block "2" will be added to the lands to the east for future development for townhouses. In this regard, the applicant has submitted a Site Plan application (DA-93-33).

- Offer to Purchase

City Council, on September 28, 1993, adopted Item 3. of the 16th Report of the Parks and Recreation Committee concerning an Offer to Purchase an irregular shaped parcel of land (see attached plan - Appendix "B") in favour of Benemar Construction Inc. (Mark DeBenedictis, President), and the City of Hamilton accepting an Option to Purchase an irregular shaped parcel of land from Benemar Construction Inc. (Mark DeBenedictis, President).

- By-law No. 92-026

City Council, on January 14, 1992, passed By-law No. 92-026 which rezoned Block "1" and adjacent lands to the north, east and south from "RT-10" (Townhouse) District to "RT-20" Townhouse-Maisonette) District modified, to permit a townhouse development.

- By-law No. 90-019

City Council, on January 30, 1990, passed By-law No. 90-019 which rezoned Block "1" and adjacent lands to the north, east and south from "AA" (Agricultural) District to "RT-10" (Townhouse) District to permit future townhouse development.

- By-law No. 79-49

City Council, on January 30, 1979, passed By-law No. 79-49 which modified the "AA" (Agricultural) District regulations applicable to Block "2" and adjacent lands. This modification limited development of the lands to one additional building to be used for residential purposes, and put the lands under the former "Development Control" provisions of By-law No. 6593.

***APPLICANT:***

Benemar Construction Inc. and The City of Hamilton, owners.

***LOT SIZE AND AREA:***

The subject lands are irregular in shape and have an approximate area of:

- Block "1" - 0.0069 ha (.017 acres); and ,
- Block "2" - 0.0069 ha (.017 acres).



**LAND USE AND ZONING:**

|                                 | <u>Existing Land Uses</u> | <u>Existing Zoning</u>   |
|---------------------------------|---------------------------|--|
| <u>Subject Lands</u>            | vacant                    | (Block "1") "RT-20"<br>(Townhouse -<br>Maisonette) District,<br>modified<br>(Block "2") "AA"<br>(Agricultural) District,<br>modified |
| <u>Surrounding Lands</u>        |                           |  |
| to the north, east<br>and south | vacant                    | "RT-20" (Townhouse<br>- Maisonette)<br>District, modified  |
| to the west                     | vacant                    | "AA" (Agricultural)<br>District, modified  |

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies are noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- i)      Public parks less than .4 hectare in size;
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;"

The proposal complies with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Attached Housing" (Block "1") and "Open Space" (Block "2") in the approved Chappel East Neighbourhood Plan. Approval of this application will require minor redesignations to "Open Space" (Block "1") and "Attached Housing" (Block "2").

***COMMENTS RECEIVED:***

- The Building Department, Traffic Department, Roads Department, Hamilton Region Conservation Authority and TransCanada Pipelines have no comments or objections to the proposal.

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Chappel East Neighbourhood Plan. However, approval of the application would require minor changes to redesignate Block "1" from "Attached Housing" to "Open Space", and Block "2" from "Open Space" to "Attached Housing".
3. The proposal has merit and can be supported for the following reasons:
  - it complies the intent of the Official Plan in that the "Residential" designation makes provision for public parks less than .4 ha (.99ac) in area;
  - it complies with the intent of the approved Chappel East Neighbourhood Plan which designates part of the subject lands as well as the adjoining lands to the west for "Open Space" purposes, and part for "Attached Housing";

- the proposed land exchange will "square off" the sites, establish land use compatibility with existing and proposed development in this area, and also establishes uniform zoning with adjoining lands; and
- the requested zoning districts would be appropriate for their intended use (i.e. open space and a townhouse development).

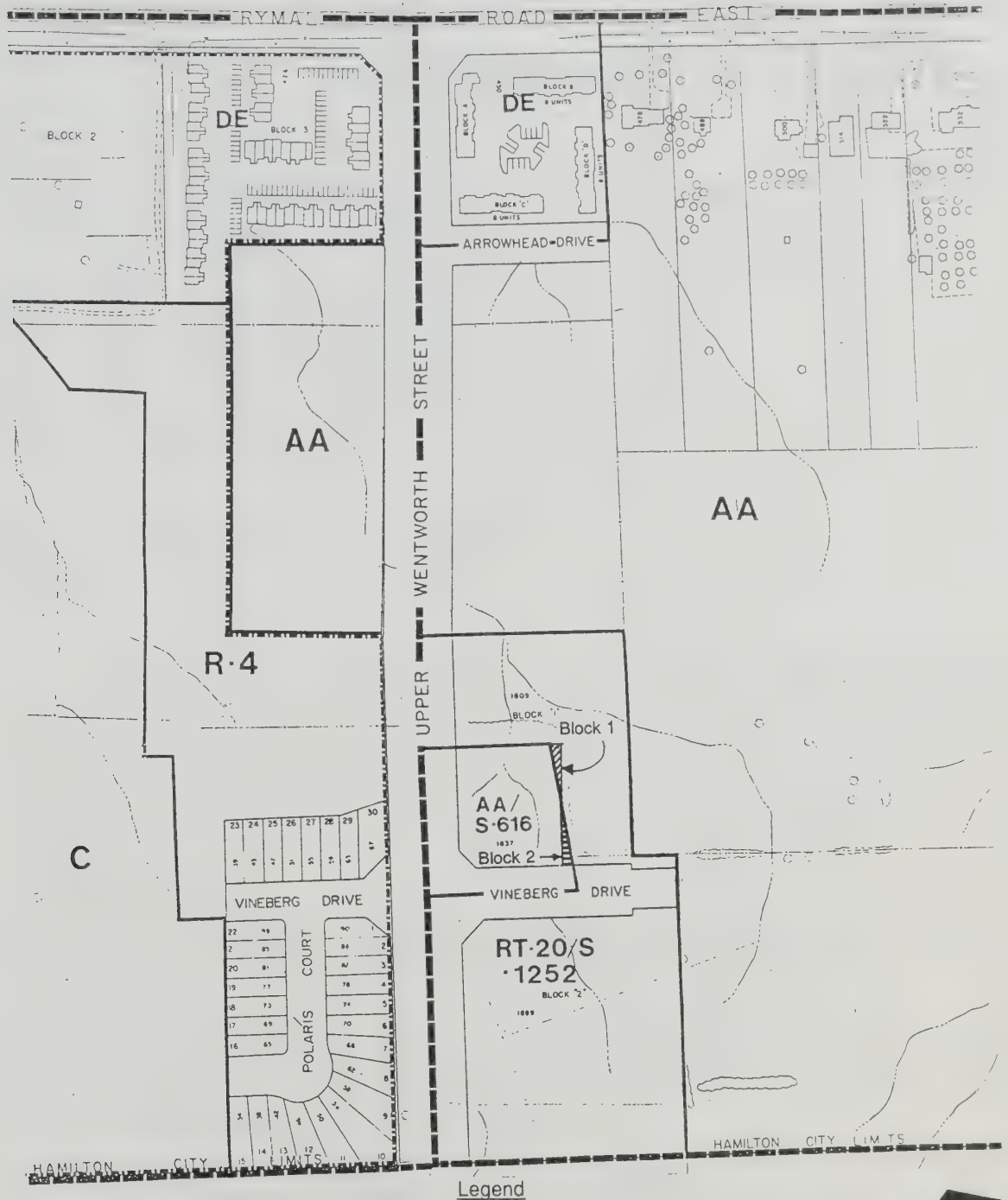
***CONCLUSION:***

On the basis of the foregoing, the proposal can be supported.



GAW/

WPZAC9330





Proposed Change in Zoning From:

- |         |   |  |
|---------|---|--|
| Block 1 |  | "RT-20" (Townhouse - Maisonette) District, modified, to "AA" (Agricultural) District |
| Block 2 |  | "AA" (Agricultural) District, modified, to "RT-20" (Townhouse - Maisonette) District |

  
ZAR-93-30

APPENDIX

PLAN 62M

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT  
DATE -----  
RECEIVED AND DEPOSITED  
DATE -----

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (N° 62)

PART 1 - PART OF PARCEL PLAN - 1, SECTION 62M - 721  
PART 2 - PART OF PARCEL 8 - 2, SECTION GLAN 1 (c)

PLAN OF SURVEY OF  
PART OF BLOCK 1  
REGISTERED PLAN 62M-721  
(KNOWN AS THE GARDENS OF RYMAL - PHASE 2)  
AND  
PART OF LOT 9  
CONCESSION 1  
(IN THE GEOGRAPHIC TOWNSHIP OF GLANFORD)  
NOW IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500  
J. D. BARNES LIMITED - 1993  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
NOTES:  
BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF VINEBERG DRIVE, HAVING A BEARING OF N71°56'40"W IN ACCORDANCE WITH REGISTERED PLAN 62M - 721.

● DENOTES SURVEY MONUMENT FOUND  
○ DENOTES SURVEY MONUMENT PLANTED  
SIB DENOTES STANDARD IRON BAR  
IB DENOTES IRON BAR  
PI DENOTES REGISTERED PLAN 62M-721

ALL FOUND SURVEY MONUMENTS WERE SET BY J. D. BARNES LIMITED, UNLESS OTHERWISE NOTED.

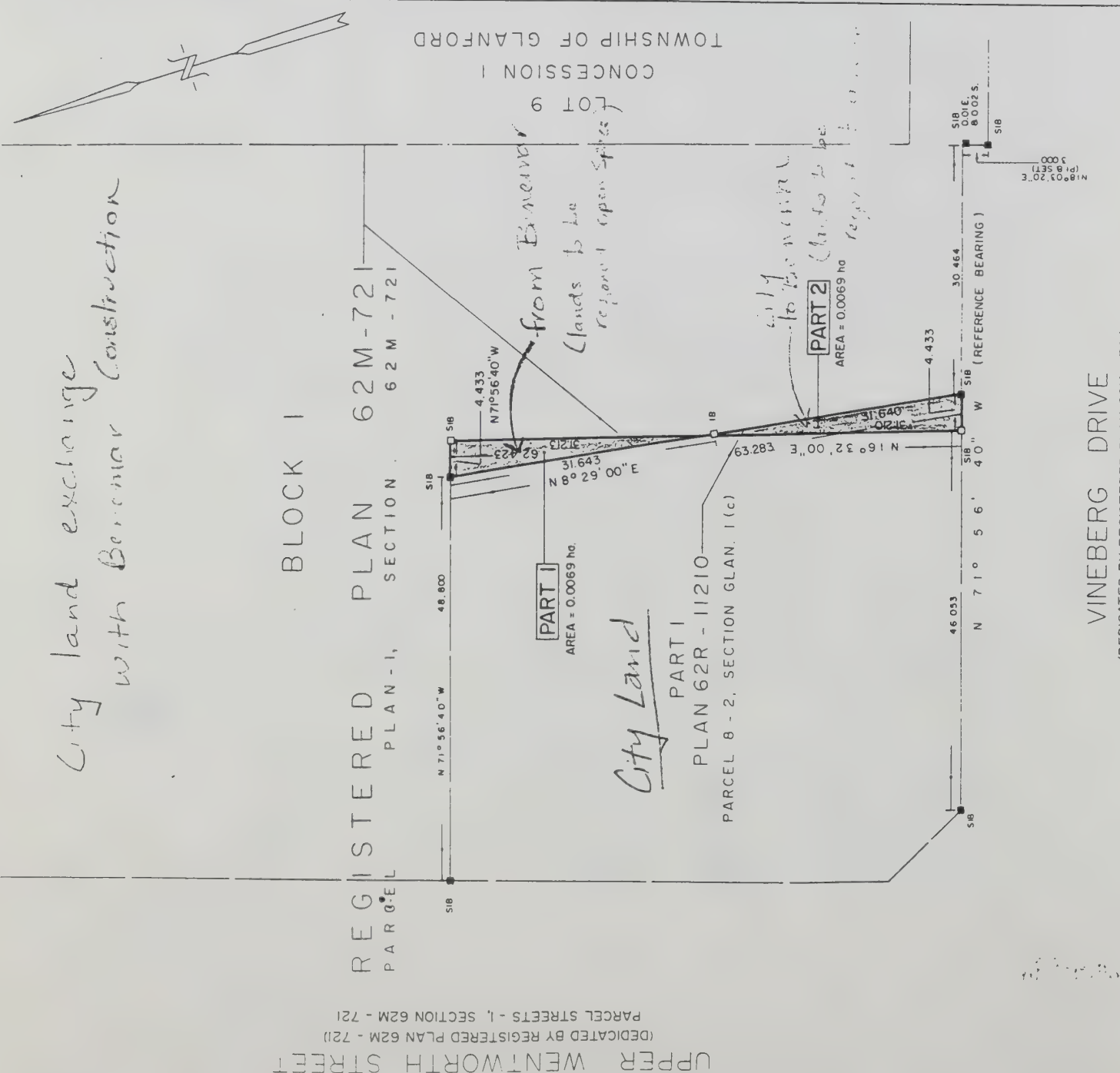
CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.  
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF JULY, 1993.

DATE July 22, 1993  
S. J. BALABAN  
ONTARIO LAND SURVEYOR

SURVEYING MAPPING



VINEBERG DRIVE  
(DEDICATED BY REGISTERED PLAN 62M - 721)  
PARCEL STREETS - 1, SECTION 62M - 721

3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

RECEIVED

NOV 15 1993

CITY CLERKS

**DATE:** November 11, 1993  
ZAC-93-16  
Ryckmans Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - No. 1367 Upper James Street.

**RECOMMENDATION:**

1. That approval be given to amended Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit development of the subject lands for law offices, for the property located at 1367 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
  - ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, be modified to include the following variances as special provisions:
    - a) That notwithstanding Section 14A.(3)(a) of Zoning By-law 6593, a front yard of a depth of not less than 24.0 m (80 ft.) shall be provided and maintained along the entire westerly lot line;
    - b) That Section 14A.(3)(c) of Zoning By-law 6593, shall not apply;
    - c) That a minimum 3.0 m (10 ft.) wide landscape area shall be provided and maintained along the entire westerly lot line, except any area used for the vehicular access;



- d) That a minimum 1.2 m (4 ft.) wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line, abutting a residential use.
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-9C be notated S- ;
  - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
  - vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until such time as:
- a) That the applicant (Diana Marie Hubbard and Edith Held) be required (with the consent of the Land Division Committee) to enter into right-of-way agreement(s) with the property owners to the north (Gombar Yolanda), and east (Estate of Wilfred Horning) to provide for permanent shared access to Upper James Street, over the lands of the applicant and over the lands to the north and east, binding on the respective property owners', heirs, successors and assigns.
  - b) That the applicant's solicitor be required to provide to the City Solicitor a Solicitor's Certificate to the City certifying that the required right-of-way agreements have been entered into, registered and are binding upon the applicable landowners.
  - c) That the applicant be required to fulfil Items (a) and (b), within 6 months of this Council Resolution and in default thereof, this approval resolution shall cease and no longer be in force.

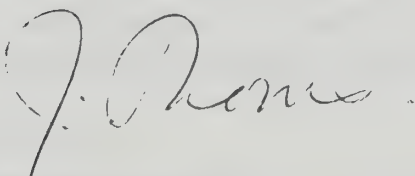
***EXPLANATORY NOTE:***

The purpose of the by-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for lands located at 1367 Upper James Street, as shown on the attached map.

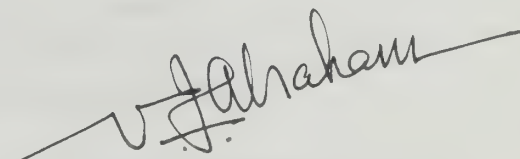
The effect of the by-law is to permit development of the subject lands for a commercial building for law offices.

In addition the By-law provides for the following variances as special requirements:

- Provides for a front yard setback of a depth of not less than 24.0 m (80 ft.) along the entire westerly lot line whereas 12.0 m (39.37 ft.) is required;
- Eliminates the rear yard setback whereas 6.0 m is required;
- Requires a minimum 3.0 m (10 ft.) wide landscape area to be provided along the entire westerly lot line except for any area used for vehicular access;
- Requires a minimum 1.2 m (4 ft.) wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the southerly lot line, abutting a residential use.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant is requesting a rezoning for 1367 Upper James Street. The purpose of the application is to permit development of the subject lands for a two (2) storey commercial building (approx. 309.0 m<sup>2</sup> [3,328 sq.ft.]) for law offices. The preliminary site plan shows a 3.0 m landscape area along Upper James Street, 20 parking spaces, access for the handicapped (i.e. barrier free design) and the building at the rear of the property (see Appendix "C").

- Zoning Application 88-87, By-law 89-70

At its meeting held on October 26, 1988, the Planning and Development Committee **approved** zoning application 88-87 requesting changes in zoning from "AA" (Agricultural)

District and "C" (Urban Protected Residential, etc.) District to "HH"- 'H' (Restricted Community Shopping and Commercial- Holding) District modified, to permit retail and warehouse commercial uses at 1375 Upper James Street. By-law 89-70 came into effect on March 21, 1989.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to this plan the lands are designated "Commercial" for which the following policies are applicable:

- "2. Adequate parking and loading facilities will be required for all new commercial areas.
3. The design of commercial uses on Upper James Street should be co-ordinated so that design features such as parking, landscaping, access and appearance are as integrated and contiguous as possible.
4. The commercial uses on Upper James Street should not unduly disrupt the orderly flow of traffic.
6. The consolidation of ownership of properties along Upper James Street should be encouraged to allow for the better design of the commercial area and to minimize access to the street.
7. Existing narrow lots along Upper James Street will be developed in conjunction with adjacent properties, where possible, to provide lots of at least 30 m (100 ft.) frontage."

Applicable Design Guidelines:

"The uniform mandatory front building line, front service road, and landscaping will be the same as for the retail/warehouse area located along Upper James street elsewhere within the neighbourhood.

A landscaped strip at least 3.05 m (10 ft.) wide will be located adjacent to the Upper James Street road allowance.

A 21.34 m (70 ft.) wide front service road will be located next to the landscaped strip. this will provide space for two rows of parked vehicles with a laneway in the middle. This service road will be provided to and from Upper James Street at a limited number of points.



The retail/warehouse establishments will be located along a uniform mandatory building line, or front yard setback, approximately 24.39 m (80 ft.) from the road allowance. These buildings may have variable size, and variable rear lot lines, within a fixed building envelope of a depth which permits a rear service road.

A 3.05 m (10 ft.) wide landscaped strip will be provided at the rear of the service road. Additional buffering in the form of berms, walls or wider landscaped strips will be provided if necessary to buffer sensitive adjacent uses such as residential properties."

***LOT SIZE AND AREA:***

- 30.48 m (100.0 ft.) of lot frontage on Upper James Street;
- 40.53 m (132.99 ft.) of lot depth; and,
- 1235.47 m<sup>2</sup> (13,299 sq.ft.) of lot area.

***APPLICANT:***

Diana Marie Hubbard and Edith Held, owners

***LAND USE AND ZONING:***

|                          | <u>Existing Land Use</u> | <u>Existing Zoning</u>  |
|--------------------------|--------------------------|---|
| <u>Subject Lands</u>     | Single-Family Dwelling   | "C" (Urban Protected Residential, etc.) District                                  |
| <u>Surrounding Lands</u> |                          |   |
| to the north and east    | Single-Family Dwellings  | "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District |
| to the south             | Single-Family Dwelling   | "HH"- 'H' (Restricted Community Shopping and Commercial - Holding) District       |
| to the west              | Cemetery and Church      | "C" (Urban Protected Residential, etc.) District                                  |

**OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies, among others, are applicable:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
  
- A.2.2.14      The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
  - i)      "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.
  
- A.2.2.15      Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
  
- A.2.2.19      Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
  
- A.2.2.34      Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
  - i)      Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
  
  - ii)      Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The subject lands are also located within Special Policy Area 31 on Schedule B - Special Policy Areas. Accordingly, the following policies of Subsection A.2.9.3 - Special Policy Areas should be noted:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
  - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
  - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
  - d) the location of access points between adjacent uses and to the road;



- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
  - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing; and,
  - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage.
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The property is also located within Special Policy Area 23 on Schedule B-2 - Other Special Policy Areas. However, the policies do not apply as they deal primarily with Shopping Centres.

The proposal does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "COMMERCIAL" on the approved Ryckmans Neighbourhood Plan. The proposal does not conflict with the approved Plan.

#### ***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objections:
  - Hamilton Region Conservation Authority; and,
  - Union Gas.
- The Building Department has advised that:
  - "1. This property adjoins #1359 on the north side which is zoned "C" residential.
  2. A 4' to 6'-6" high visual barrier fence is required along the north lot line opposite the parking area.

3. A 1.5m (4.92') wide planting strip is required on the north lot line opposite the parking area.
4. Section 18A(11) requires a minimum 6.0m setback off Upper James Street, which does not allow the first row of cars as shown on the site plan.
5. The length of the parking spaces should be 6.0m (19.69'), shown is 18' and 16'."

- The Traffic Department has advised that:

"In response to your memorandum of 1993 August 11, please advised that we have reviewed the above revised application and have the following comments.

We have sketched the proposed building on the section of property that has been designated for commercial development on the approved neighbourhood plan (see Appendix "B").

On the assumption that the remainder of the commercially-designated property be developed as shown on the attached plan, we could support the approval of this Zoning Application at this time. However, the conditions of that approval would be that we would require an easement across this property to both the property to the north and the east as highlighted on the attached plan.

Also, we will require some minor modifications to the submitted site plan at the site plan stage."

- The Roads Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance. According to our records, this road widening is 3.048 m in width across the entire frontage of lands to be developed.

As noted on the approved neighbourhood plan, these lands are part of a larger block of land designated commercial at the southeast corner of Stone Church Road and Upper James Street. It is our opinion that this entire block should be consolidated and developed as one plaza with common access points to Upper James Street and Stone Church Road. In our previous meeting with Planning staff it was noted that the other property owners had no plans to proceed with developing their properties at this time.

In the interim, the Traffic Department has reviewed a concept plan of this plaza development and has indicated that this development could be considered at this time provided that the owner provides adequate rights of ways registered on title which would provide all adjacent owners, included in this commercial block, access over the subject lands. We have reviewed the plan submitted by the Traffic Department and agree in principle with the intent as long as the rights of ways are established from the widened limits of Upper James Street. Therefore, as a condition of rezoning approval, we recommend that the owner establish and register the required rights of ways on title, as the Commissioner of Transportation/Environmental Services.

We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access, landscaping, etc., will be submitted.

The applicant should be advised that the future reconstruction of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date."

**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - i) It implements the intent of the Official Plan and approved Ryckmans Neighbourhood Plan;
  - ii) It would be compatible with the existing and proposed development in the area;



- iii) The requested zoning is appropriate for the subject development; and,
- iv) It would not jeopardize comprehensive redevelopment of the remaining commercially designated lands located at the south-east corner of Upper James and Stone Church Road East.

4. On the basis of a preliminary site plan submitted, the following variances as special requirements have been identified (see Appendix "C"):

i) Front Yard (Section 14A.(3)(a))

The preliminary site plan shows a 24.0 m (80 feet) front yard setback which is consistent with the proposed development to the south and the Upper James Street Urban Design Guidelines. It is recommended that a 24.0 m (80 feet) front yard setback be provided and maintained whereas the "HH" District regulations require a 12.0 m (39 feet) front yard.

ii) Rear Yard (Section 14.(3)(c))

The rear yard requirement is proposed to be eliminated whereas 6.0 m is required. It is the intent of the Upper James Street Urban Design Guidelines, that the development of this property, the properties immediately to the north and to the east be part of a comprehensive redevelopment of this section of Upper James Street. In order to facilitate future comprehensive redevelopment the variance can be supported.

iii) Landscape Area

The preliminary site plan shows a 3.0 m (10 ft.) wide landscape area along the entire westerly lot line which is consistent with the proposed development to the south and the Upper James Street Urban Design Guidelines. It is recommended that a 3.0 m minimum (10 ft.) "landscape area" be provided and maintained along the entire westerly lot line, except for any area used for vehicular access.

iv) Buffering and Screening

The preliminary site plan shows a 1.2 m (4 ft.) separation along the southerly lot line, between the proposed access driveway and adjacent residential use to the south.

Although the property to the south is zoned commercial (i.e. "HH"- 'H' (Restricted Community Shopping and Commercial - Holding) District, it is currently a private residence. It would be appropriate to require a minimum 1.2 m (4 ft.) wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the southerly lot line, abutting the residential use, to mitigate any potential negative spill-over effects (i.e. noise, headlight glare, etc.).

5. The Upper James Street Urban Design Guidelines suggest that the development of this property, the properties immediately to the north and to the east be part of a comprehensive redevelopment of this section of Upper James Street with limited and common access points to Upper James Street and Stone Church Road.

As requested by the Traffic Department and Roads Department, it would be appropriate to require easement agreements to be registered on title, to the satisfaction of the City Solicitor, regarding access over the subject property to the properties to the north and the east ( No. 1359 Upper James Street and 16 Stone Church Road East), prior to the passing of the amending By-law.

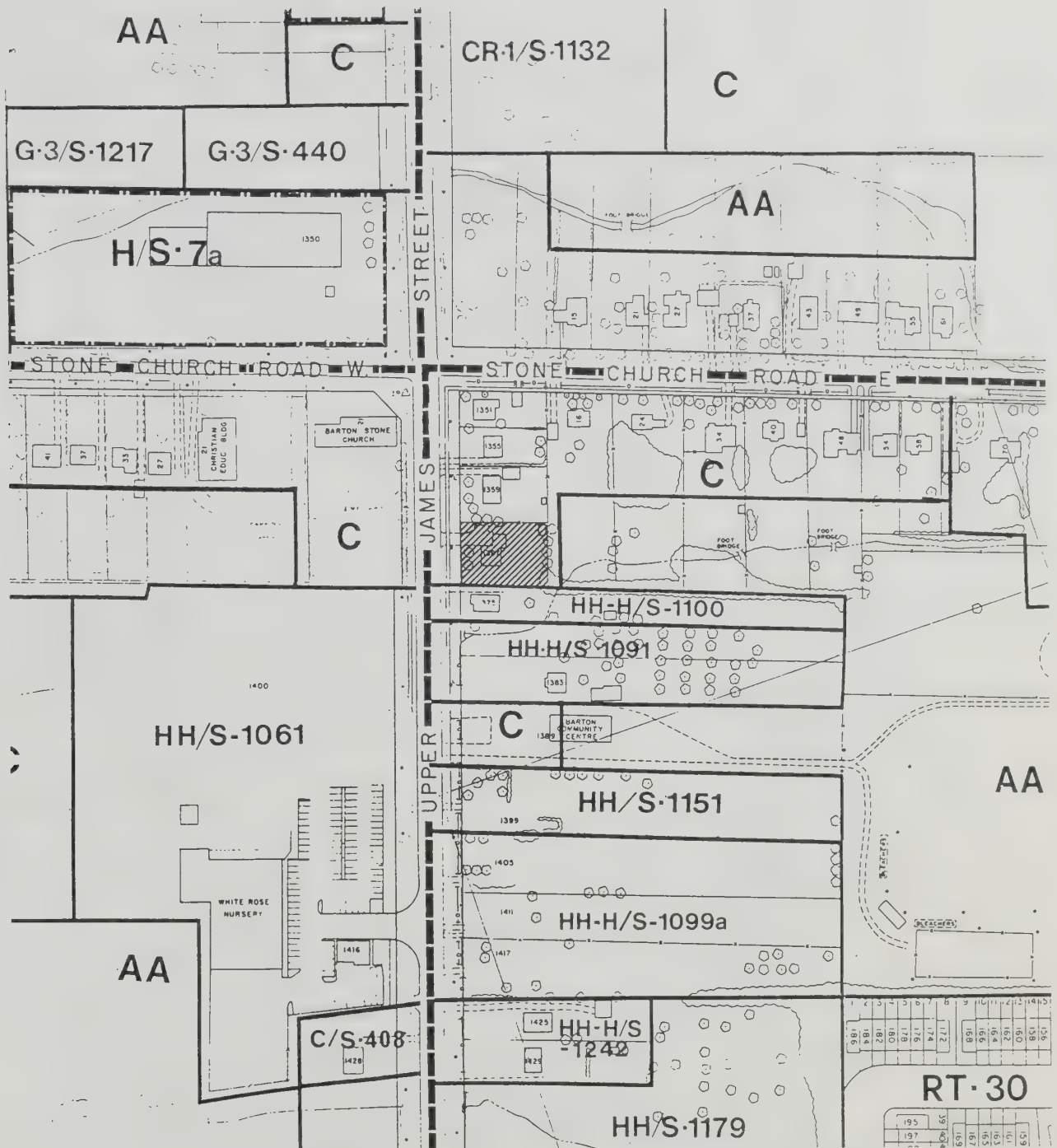
6. The "HH" (Restricted Community Shopping and Commercial) District is subject to site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to landscaping, fencing, grading, road widening, parking, loading, access, etc., can be further reviewed at the site plan control stage of development.

## ***CONCLUSION***

Based on the foregoing, the amended application can be supported.

JL/jl

WPZA9316



Legend



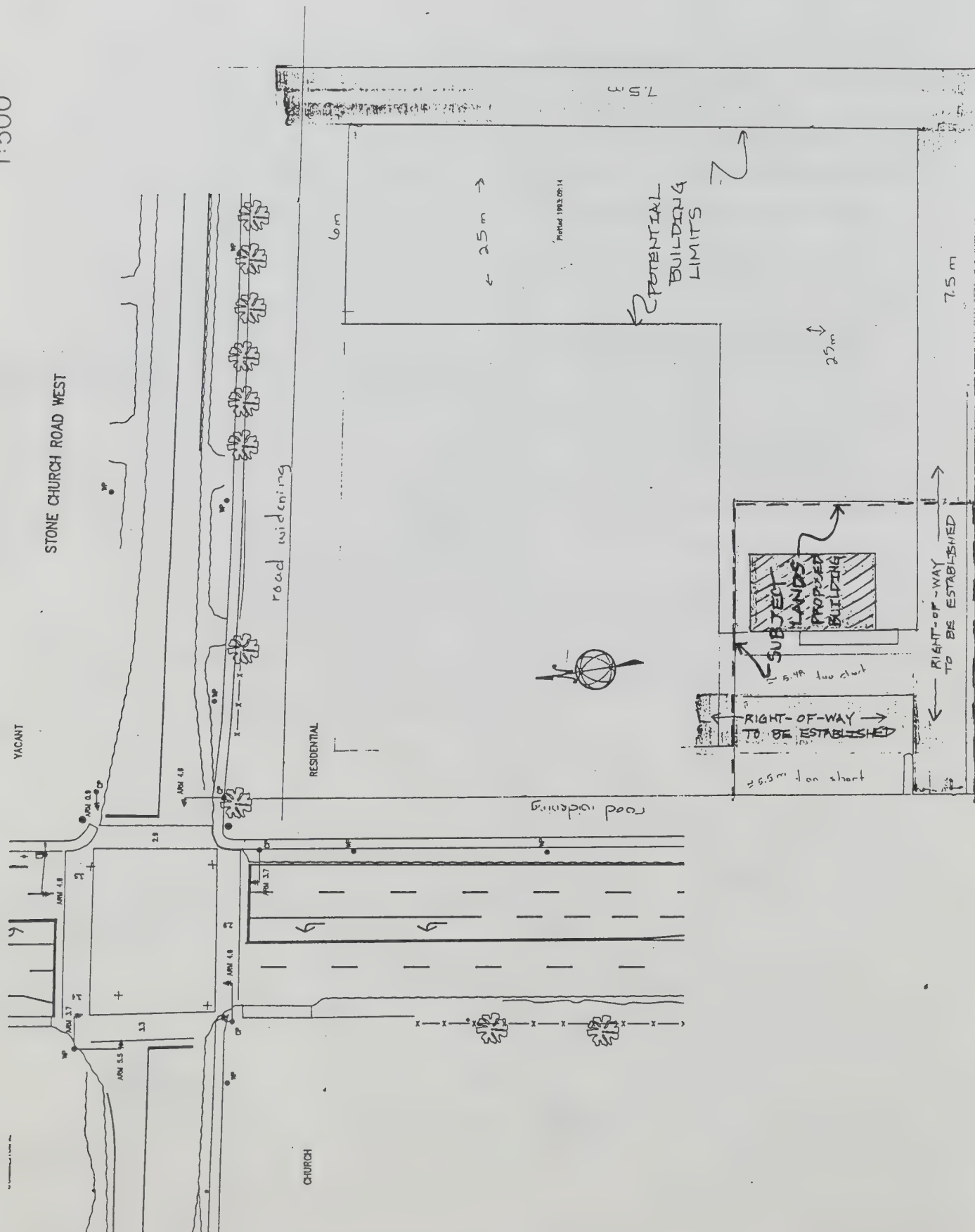
Site of the Application



APPENDIX A



STONE CHURCH ROAD WEST



# APPENDIX "B"







4.

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1993 November 9  
Carpenter Neighbourhood  
ZA-92-41

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for changes in zoning - lands located at No. 625  
Rymal Road West.

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**RECOMMENDATION:**

That approval be given to amended Zoning Application 92-41, Shedaco Holdings Limited (R.S. Shelley), owner, for changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District (Block "1"), and to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "2"), to permit future development of Block "2" for single-family dwellings, for lands located at No. 625 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, to Block "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal storm and sanitary sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal storm and sanitary sewers servicing the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once municipal sewers are available.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;
- iii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27E for presentation to City Council;

- v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District (Block "1"), and to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "2"), for property located at No. 625 Rymal Road West, as shown on the attached map marked as Appendix "A".

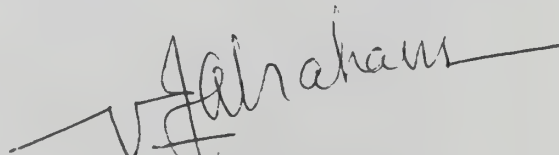
The effect of the By-law is to permit future development of Block "2" for single-family dwellings.

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, to the lands shown as Block "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit development of Block "2" until municipal storm and sanitary sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal storm and sanitary sewers serving the subject lands as the City deems necessary, and the passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once municipal storm and sanitary sewers are available.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the proposed changes in zoning is to permit future development of Block "2" for single-family dwellings. In this regard, the applicant has advised that he intends to file an application for approval of draft plan of subdivision with the Region of Hamilton-Wentworth.

- By-law 92-288

On November 24, 1992, City Council passed By-law No. 92-288 which rezoned adjoining lands to the south and west from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District and "C" (Urban Protected Residential, etc.) District to permit a park and single-family development in conjunction with a draft plan of subdivision (Highridge South 25T-92002). The By-law came into effect on December 24, 1992.

- By-law 93-166

On July 27, 1993, City Council passed By-law No. 93-166 which rezoned adjoining lands to the west from "AA" (Agricultural) District to "B" (Surban Agriculture and Residential, etc.) District and "C" (Urban Protected Residential, etc.) District to permit single-family development. The By-law came into effect on August 25, 1993.

***APPLICANT:***

Shedaco Holdings Limited (R.S. Shelley), owner.

***LOT SIZE AND AREA:***

An irregular shaped parcel of land having:

- 22.892 m (75.104 ft.) of lot frontage on Rymal Road West; and
- 1.901 ha (4.7 ac.) of lot area.

***LAND USE AND ZONING:***

|                          | <u>Existing land use</u>   | <u>Existing Zoning</u>                    |
|--------------------------|--|---|
| <u>Subject lands</u>     | single-family dwelling,<br>contracting business<br>(legal non-conforming)<br>with associated out buildings | "AA" (Agricultural)<br>District           |
| <u>Surrounding lands</u> |  |   |
| to the north             | day nursery  | "AA" (Agricultural)<br>District, modified |



|              |   |  |
|--------------|---|--|
| to the south | vacant                                      | "A" (Conservation, Open Space, Park and Recreation) District<br>a n d " A A " (Agricultural) District          |
| to the east  | single-family dwellings<br>and vacant lands | "AA" (Agricultural) District   |
| to the west  | single-family dwellings<br>and vacant lands | "B" (Suburban Agriculture and Residential, etc.) District and "C" (Urban Protected Residential, etc.) District |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)      Provision and maintenance of adequate off-street parking;
  - ii)      Alteration of traffic flows;

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "RESIDENTIAL" on the approved Carpenter Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

***COMMENTS RECEIVED:***

- The Building Department has advised that:  
  
"It is assumed that the lands will be developed under a Plan of Subdivision."
- The Traffic Department, Hamilton Region Conservation Authority, and TransCanada Pipelines have no comments or objections.
- The Roads Department has advised that:  
  
"There are existing watermains and separate storm and sanitary sewers available to service that portion of the lands fronting onto Rymal Road (Block 1). The development of Block 2 is premature. These lands must be serviced, for sewers, through the lands to the east and must therefore await development of the lands to the east.

The designated road allowance width of Rymal Road West is 36.0 m. In accordance with this designation, we require that as a condition of development approval that a strip of land 4.8936 m in width be dedicated to the Region for road widening purposes.

According to the approved Carpenter Neighbourhood Plan, the subject lands are designated for single and double family housing and internal neighbourhood streets. We recommend that the subject lands be developed through a satisfactory plan of subdivision which would include our requirements for servicing, the establishment of the internal neighbourhood streets, etc.

In our review of the neighbourhood plans with existing residential development on arterial roadways, such as Rymal Road, the intent was to permit infilling situations between existing houses with direct single family access from the arterial roadway. It now appears that in general, lands on these arterial roadways are being completely developed, existing houses being removed and the lot subdivided into 12 m lots. On the understanding that this is not the case with this application, we do not have an objection to access for "large lot" infill development to Rymal Road."

### **COMMENTS:**

1. The proposal complies with the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan which respectively designate the subject lands RESIDENTIAL and SINGLE AND DOUBLE RESIDENTIAL.
2. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan;
  - it would be compatible with existing and proposed development in this area;
  - the requested Zoning Districts are appropriate for the proposed single-family development.
3. The Roads Department has advised that development of Block "2" is premature pending the installation of sewers. These lands must be serviced through the lands to the east and must therefore await their development. To date, no draft plans of subdivision have been received for development of the subject lands or the adjoining lands to the east. Accordingly, these lands should be developed through a satisfactory plan of subdivision which would include requirements for servicing and design. On the basis of the foregoing, it would be appropriate that Block "2" be subject to Section 36(1) of the Planning Act, whereby Council may, in a By-law, use a holding symbol 'H' in conjunction with any Zoning District and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law. The purpose of the holding symbol would be to ensure that storm and sanitary sewers are available to service the lands marked as Block "2" on Appendix "A".

### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.

GAW/WPZA9241







5.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

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**DATE:** 1993 November 12  
ZAC-93-23  
Central Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - 145 MacNab Street North

**RECOMMENDATION:**

That approval be given to Zoning Application 93-23, Don Newman, c/o Newman Developments, prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit a seven (7) storey, 66 unit multiple dwelling (apartment building), and a three (3) storey, 18 unit multiple dwelling (stacked townhouses), on lands known as 145 MacNab Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 11(2)(ii), the multiple dwelling fronting onto Cannon Street West shall not exceed seven (7) storeys in height and the second multiple dwelling fronting onto MacNab Street North shall not exceed three (3) storeys in height;



- b) That notwithstanding Section 11(3)(ii)(b), the following shall be required:
  - 1) a minimum westerly side yard width of 4.5 m for the multiple dwelling fronting onto Cannon Street West;
  - 2) a minimum easterly side yard width of 3.0 m for the multiple dwelling fronting MacNab Street North;
  - 4) a minimum westerly side yard width of 2.5 m for the multiple dwelling fronting MacNab Street North;
- c) That notwithstanding Section 11(6), not less than 40% of the area of the lot shall be provided and maintained as landscaped area;
- d) That notwithstanding Section 18(3)(vi)(a), an ornamental wall projection at the front entrance of the multiple dwelling fronting onto Cannon Street West may project not more than 1.6 m into the easterly side yard;
- e) That notwithstanding Section 18(3)(vi)(cc)(iii), balconies of the multiple dwelling fronting onto Cannon Street West may project not more than 1.4 m into the required side yard;
- f) That notwithstanding Section 18A, a minimum of one (1) 3.7 m x 18.0 m x 4.3 m loading space shall be provided and maintained on site;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-3 and W-4 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-3 and W-4 for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- vi) That the approved Central Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".

## EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, for lands known as 145 MacNab Street North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow development of the lands for a seven (7) storey, 66 unit multiple dwelling (apartment building) fronting onto Cannon Street West and a three (3) storey, 18 unit multiple dwelling (stacked townhouses) fronting onto MacNab Street North.

In addition, the By-law provides for the following variances as special requirements:

- restricts the height of the proposed multiple dwelling fronting onto Cannon Street West to seven (7) storeys, and the height of the proposed multiple dwelling fronting onto MacNab Street North to three (3) storeys in height, whereas eight (8) storeys are permitted;
- permits a minimum 4.5 m westerly side yard for the multiple dwelling fronting onto Cannon Street West, whereas a minimum of 5.76 m is required;
- permits a minimum easterly side yard of 3.0 m for the multiple dwelling fronting onto MacNab Street North, whereas 6.46 m is required;
- permits a minimum westerly side yard of 2.5 m for the multiple dwelling fronting onto MacNab Street North, whereas 3.23 m is required;
- requires a minimum of 40% of the lot area be provided and maintained for landscaped area, whereas a minimum of 25% of the lot area is required;
- permits a maximum ornamental wall projection of 1.6 m into the easterly side yard of the multiple dwelling fronting onto Cannon Street West, whereas a maximum of 0.5 m is permitted;
- permits balconies of the multiple dwelling fronting onto Cannon Street West to project a maximum of 1.4 m into the required side, whereas a maximum projection of 1.0 m is permitted; and,
- permits a minimum of one (1) 3.7 m x 18.0 m x 4.3 m loading space to be provided and maintained on site, whereas two (2) 3.7 m x 18.0 m x 4.3 m loading spaces are required.

  
**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**Victor J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

- Proposal

The applicant is proposing to rezone the subject lands from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, to permit the development of a three storey, 18 unit multiple dwelling (stacked townhouses) fronting onto MacNab Street North, and a seven storey, 66 unit apartment building fronting onto Cannon Street West (see APPENDIX "B").

- Zoning Application 91-43

The Planning and Development Committee, at their meeting of October 23, 1991, considered zoning application ZA-91-43 for the subject lands requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified. The purpose of the application was to permit the development of a seven storey, 100 unit non-profit housing apartment building, including a health care centre, a meeting room and offices. The Committee approved a recommendation to TABLE the application "to resolve design issues and the height of the building". As a result of inaction by the applicant, the file was subsequently closed in February, 1993.

#### **APPLICANT:**

Don Newman, c/o Newman Developments, prospective owner.

#### **LOT SIZE AND AREA:**

The subject property is irregular in shape and has:



- 56.58 m (185.63 feet) frontage on MacNab Street;
- 35.357 m (116 feet) frontage on Cannon Street; and,
- 4,692.6 m<sup>2</sup> (50,512.38 square feet or 1.16 acres) of lot area.

## LAND USE AND ZONING:

|                          | <u>Existing Land Use</u>   | <u>Existing Zoning</u>   |
|--------------------------|--|--|
| <u>Subject Lands</u>     | vacant building (former Robinson cone factory)                           | "H" (Community Shopping and Commercial, etc.) District   |
| <u>Surrounding Lands</u> |  |  |
| to the north             | one and two family dwellings and commercial                              | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and "H" (Community Shopping and Commercial, etc.) District |
| to the south             | one family dwellings and commercial                                      | "L-c" (Planned Development - Commercial) District  |
| to the west              | mixed residential/commercial, attached housing, and one family dwellings | "H" (Community Shopping and Commercial, etc.) District   |
| to the east              | one family dwellings, attached housing and industrial                    | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and "H" (Community Shopping and Commercial, etc.) District |

## OFFICIAL PLAN:

The subject lands are designated **Central Policy Area** on Schedule "A" - Land Use Concept of the Official Plan. The following policies are noted:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;

A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.

A.2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:

- ii) Establish building envelopes consisting of setback, height and light angles adequate to ensure acceptable shadow cast to, and light access for, adjacent properties;
- v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures;"

The subject lands are also located within Special Policy Area 3 on Schedule 'B' - Special Policy Areas of the Official Plan. The following policies are noted:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site;
- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;"

The following policies of Subsection A.2.1 - Residential Uses and Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
  - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
  - i) Provision and maintenance of adequate off-street parking;



C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient."

The proposal does not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "COMMERCIAL" in the approved Central Neighbourhood Plan. If this application is approved, an amendment will be required to redesignate the subject lands to "MEDIUM DENSITY APARTMENTS".

#### **COMMENTS:**

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Roman Catholic Separate School Board have no objections.

- The Building Department advises:

- "1. The front yard of the development is Cannon Street West. The most northerly line (21.336m) is the rear yard. All other lot lines are side yards including MacNab Street North.
2. Both buildings are classified as multiple dwellings.
3. Variances required for the seven (7) storey building are:
  - a) The minimum reduced west side yard must be 5.76m (1/2 of 11.52m). Shown is 4.5m.
  - b) The ornamental wall projection at the front entrance can only project 0.5m into the required east side yard. The entire 1.6m length projects into the side yard.
  - c) The balconies are allowed to project 1.0m into the required side yards of 11.52m. The balconies are 1.4m wide and are closer than 10.52m (11.52m - 1.0m) to the side lot lines.
4. Variances required for the three (3) storey building are:
  - a) The required MacNab Street North side yard is 6.64m. Shown is 3.0m
  - b) The minimum west side yard at any point is 3.23m. Shown is 2.5m.
5. Each building requires a loading space of 3.7m x 18.0m. Only one (1) is shown.
6. The required visitor parking is seventeen (17) spaces. There are only thirteen (13) shown at grade level. The remaining parking is underground which is not accessible.
7. Two (2) parking spaces in the garage at the west side are short the 6.0m length. Shown is 5.5m."

- The Ministry of Housing advises:

"The proposal to rezone the subject property to permit the development of 84 residential apartment and stacked townhouse units is consistent with the objectives of the provincial Policy Statement on Land Use Planning For Housing.

Specifically, by virtue of the built form and density proposed, the proposal is consistent with sections 4.1 and 4.2 of the Policy Statement by providing opportunities for a mix and range of housing types and for a minimum of 25% of the units to be affordable as defined in the Policy Statement. In addition, the proposal represents a form of residential intensification and may be consistent with section 5.1 of the Policy Statement subject to the three tests prescribed in section 5.1.a. of the Policy Statement being satisfied."

- The Ministry of Environment and Energy advises:

"This office has been requested by Mr. Mike Foley, our Regional Planner, to correspond with you concerning the zoning application for the above property.

You had provided copies of letters from Mr. Andy Lewis from this office dated May 3, 1990, and November 30, 1990, with regards to the soil analysis report prepared by Trow Ontario Limited.

This office has not altered our position in Mr. Lewis' comments in that the subject property is acceptable for use as residential or park land as well as commercial or industrial land based on the findings of the above report.

Also, to reiterate Mr. Lewis' comments, by way of this letter, the Ministry of Environment and Energy does not accept liability for any future environmental problems that may occur at this site."

- The Traffic Department advises:

"...please be advised that we have reviewed the above application and find it satisfactory provided that the parking and loading requirements, as per the Zoning By-law, can be provided on-site.

In regard to the preliminary plan submitted with this application, we have the following comments. We have been advised by the Building Department that the proposed development will require 84 parking spaces on-site. However, the plan submitted with this application only shows 70 parking spaces. The plan must be modified to show the parking required by the Zoning By-law.

The Building Department has also advised that each building requires one 3.7m x 18m loading space. The applicant has shown only one loading space near the MacNab Street North entrance away from either building. We believe that a more suitable location for a loading space would be near the garbage room and moving room of the seven-storey apartment building. Trucks will definitely be accessing these rooms and therefore we recommend that provisions for loading and unloading be made within this area.



We recommend that the median to the west of the two parking spaces located within the driveway area be modified as shown in red on the attached plan. The driveways are to be 7.5m wide at the property line.

We recommend that the ramp be widened to room for the simultaneous two-way turning movements of vehicles. The walls at the bottom of the ramp will also have to be widened to allow vehicles to turn in and out of the ramp.

The grade of the ramp has not been indicated on the plan. This information is required so that we may comment accordingly. The applicant should be advised that the grade should be a maximum 5 percent for the first 7.5m from ground level and a maximum grade of 10 percent from the remainder of the ramp."

The Traffic Department has further advised that:

"..we have reviewed the revised drawings as per your request and have the following comments.

The modifications to the south driveway on Cannon Street West are satisfactory.

The bottom of the parking ramp will require widening to allow for the two-way simultaneous turning movement of vehicles. We suggest that the applicant delete the two indent walls from the design to allow the opening to be as wide as the ramp (7.2m).

Due to the steep grade of 15% for the ramp, we suggest that the applicant consider installing heating bars to prevent ice from forming on the ramp."

- The Roads Department advises:

"There are public watermains and combined sewers available to service these lands.

The designated road allowance width of Cannon Street is 26.21m. In accordance with this designation, we recommend that as a condition of development approval that a road widening of approximately 3.26m, taken along the entire frontage on Cannon Street, be dedicated to the Region for road widening purposed. All setbacks are to be taken from the widened limits of Cannon Street.

According to our records, there are buildings abutting the east and west property lines of this development which are built right up to the existing Cannon Street West road allowance limits. As a result, motorist visibility of the pedestrians on the sidewalk and vehicles on Cannon Street West, especially when the access is constructed adjacent to the property, is limited.



In previous Zoning Application 91-43, the access to the subject lands was to be located approximately 5m from the west property line. At that point motorists entering Cannon Street had visibility of pedestrians on the sidewalk and also a clear view of traffic on Cannon Street. The plans now submitted indicate that the access will be at the east limits of the property, adjacent to the existing building. We recommended that the applicant review the site plan to determine whether the access driveway can be located further away from the east property line. The applicant should resolve this matter with our staff prior to the zoning being forwarded for approval.

We require 5m by 5m daylight triangles between the access and the widened street line in which the maximum height of any object or mature vegetation is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Cannon Street West.

Comments from the City of Hamilton Traffic Department with respect to access, loading etc. should be considered. Approach approvals are required from their office for any change in access or new access to the adjacent streets.

We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, landscaping etc. will be submitted."

The Roads Department further advises:

"...We have reviewed the revised plan received on October 18, 1993, and submit the following comments:

1. The revised plan indicates that the east side of the access to Cannon Street will be a minimum of 5m from the east property line. The access is 7.5m in width, therefore the motorists entering Cannon Street will be approximately 8.5m from the east property line. According to our records, the building to the east is approximately 3.7m north of the north curb line on Cannon Street. Given these measurements, motorist visibility within the access to Cannon Street appears to satisfy our minimum requirements.
2. The revised plan indicates a shift of the access location on MacNab Street North to within 1.7m of the south property line. It appears from the plan submitted that the building has been shifted southerly and the access was widened. In reviewing these site plans, we attempt to provide a 5m (minimum 3m) separation between the property line and the edge of a driveway to enable motorists entering the road allowance to have adequate visibility of pedestrians etc. within the road allowance.

3. We recommend that the site plans be revised to provide a separation of at least 3.7m between the access and the south street line, as was shown on the previous plans submitted.

All other comments in our previous memo are still applicable."

## COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the approved Central Neighbourhood Plan. Approval of this application will necessitate an amendment to the Neighbourhood Plan to redesignate these lands from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".
3. The proposal has merit and can be supported on the following basis:
  - it complies with the intent of the Official Plan which encourages a variety of housing types and densities within the downtown core;
  - it provides an adaptive reuse of a vacant industrial site;
  - it provides the opportunity for affordable housing;
  - it is suitable located in terms of public transit, access to services, proximity to commercial shopping areas, and proximity to social and recreational facilities; and,
  - it would be harmonious and integrate with the existing development in the surrounding area.

In addition, the proposed development is an improvement over the previous application particularly with respect to building orientation and separation from adjacent residential uses, bulk, and density, thereby maximizing the privacy of the adjacent lower density uses.

4. The Building Department notes a number of variances with respect to yards and parking and loading spaces based on a preliminary site plan submitted by the applicant (see APPENDIX "B" attached). With respect to parking, the applicant has indicated that he intends to satisfy the By-law requirements. The Traffic Department has verbally agreed that they can support a variance to the by-law for one loading space, as opposed to the two required.

With respect to the variance for the easterly side yard for the multiple dwelling fronting onto MacNab Street North, it is felt that while technically this is a side yard, in fact the building itself will be facing MacNab Street and, therefore the proposed 3.0 m setback is consistent with the front yard requirements (which would be 3.42 m if MacNab Street North were considered the front yard). The other yard variances are considered minor in nature and therefore can be supported.

Further, to ensure that the height, bulk and arrangement of the proposed buildings and structures will sensitively integrate with the existing development pattern, the by-law should limit the height of the multiple dwelling fronting onto Cannon Street West to seven (7) storeys, and the other multiple dwelling fronting onto MacNab Street North to three (3) storeys as proposed in the preliminary site plan.

The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations require not less than 25% of the lot area be provided and maintained for landscaped area. In keeping with the applicant's preliminary site plan, it is appropriate to increase the minimum requirement to 40% of the lot area to be provided and maintained for landscaped area.

5. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. In this regard, matters related to landscaping, fencing, grading, road widening, parking, loading, access, etc., can be further reviewed at the site plan control stage of development.

## **CONCLUSION:**

Based on the foregoing, the application can be supported.

CF/  
93-23









# STATISTICS

## PROPOSED ZONING

LOT AREA 480786 m<sup>2</sup> - 11526 m<sup>2</sup> Road Widening 1 = 46928 m<sup>2</sup>

LOT COVERAGE 5 Storey Building 820 m<sup>2</sup>

PAVED AREA 1012 m<sup>2</sup> (24.6 %)

LANDSCAPED AREA 20272 m<sup>2</sup> (43.2 %)

ORIG. FLOOR AREA 480786 m<sup>2</sup> - 70774 m<sup>2</sup>

Actual Gross Floor Area 7780 m<sup>2</sup> (Rm 166)

PARKING REQUIRED - TENANT 84 X 10 = 84

VISITORS 84 X 0.2 = 17

PARKING PROVIDED - UNDERGROUND 101

SURFACE 30

UNIT MIX:

7 Storey Building

1 bed - 3 units

2 bed - 8 units

3 bed - 7 units

68 units

3 Storey Building

1 bed - 3 units

2 bed - 8 units

3 bed - 7 units

18 units

SETBACKS:

Front - (Cannon St. East)

Req'd: H x W x D = 18.84 x 20.1 x 120 = 3.16 m (Min. 3.0 m)

Provided: 3.20 m

Side - H x L x D = 18.84 x 64.3 x 120 = 11.52 m (Min. 4.5 m)

Provided: 11.52 m

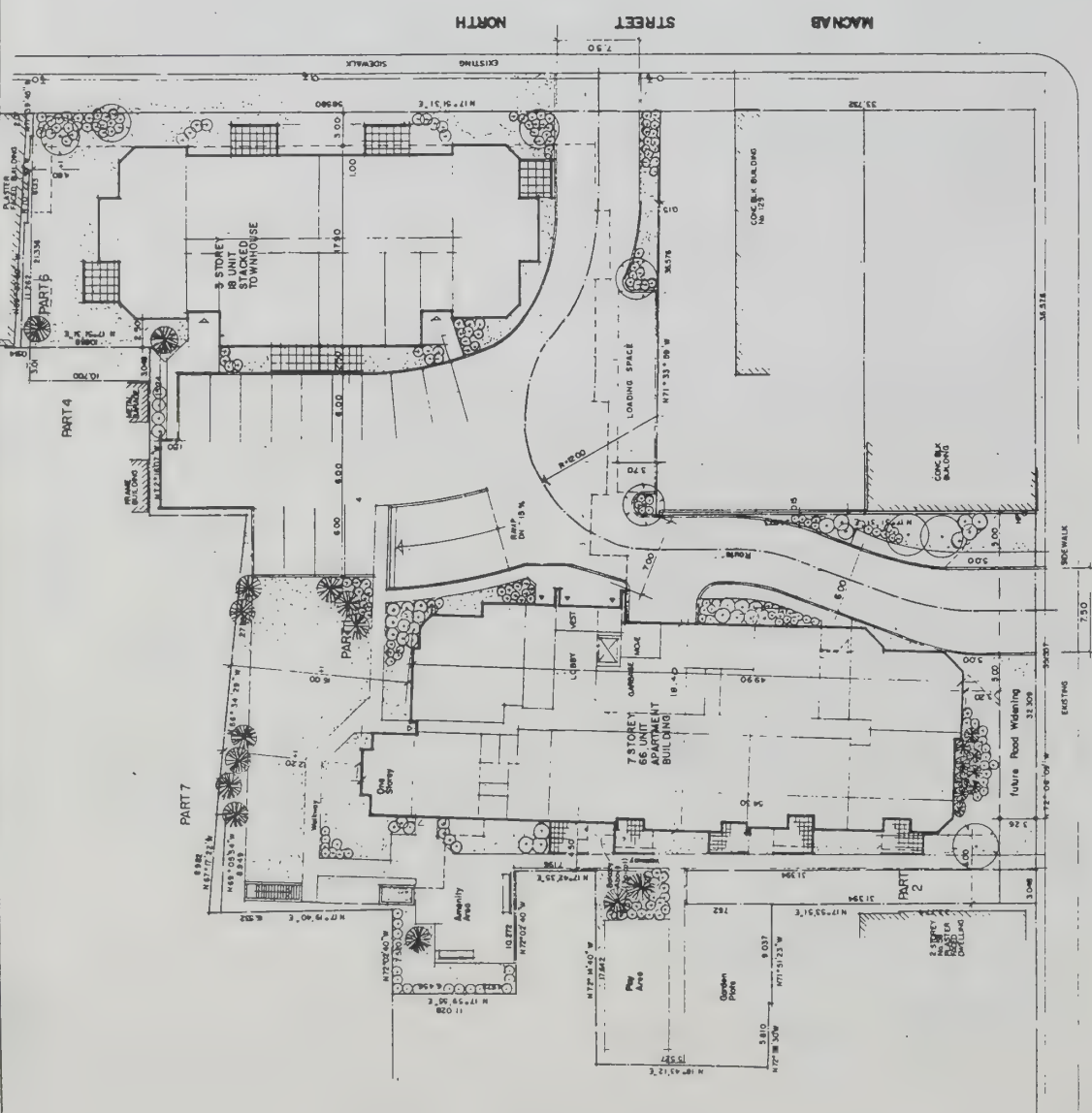
Back - H x W x D = 18.84 x 20.1 x 120 = 3.16 m (Min. 3.0 m)

Provided: 3.20 m

3 Storey Building

1 bed - 3 units

2 bed - 8 units



NORTH

STREET

MACNAB

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Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 NOV 12

November 12, 1993

5a)  
RECEIVED

NOV 12 1993

The Corporation of The City  
of Hamilton  
71 Main St. West  
Hamilton, Ontario

CITY CLERKS

Attention: Gina Agnello, Secretary  
Planning and Development Committee

Dear Ms. Agnello,

Re: Change in Zoning from H to E / 145 Mac-Nab St. N.  
Proposed Development 2 Multiple Dwellings Consisting  
- 3 Storey 18 Unit, Stacked Townhouse  
Fronting Mac-Nab N.  
- 7 Storey 66 Unit, Apartment Building  
Fronting Cannon St. W. ZAC-93-23

Enclosed please find a copy of City of Hamilton Recommendation dated October 16, 1991 Page 1 and Page 8 for the site located at 145 Mac-Nab St. N, Hamilton. The application in 1991 was made by Hamcon Corporation Housing Service.

In 1991 the residents of Mac-Nab, Mulberry, Cannon, Park, Severn, Sheaffe signed a petition against the proposed zoning and development of subject land. The total names of the petition submitted were 155.

The present application by Don Newman Developments requests;

Zoning Change  
From H to Z

Proposed Development  
1. 3 Storey Townhouse  
3 Units 1 Bdr  
8 Units 2 Bdr  
7 Units 3 Bdr  
Frontage Mac-Nab N.  
2. 7 Storey Apartment Bldg  
13 Units 1 Bdr  
46 Units 2 Bdr  
7 Units 3 Bdr  
Frontage Cannon St. W.



10

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 October 16  
ZA-91-43  
Central Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - No. 145 MacNab  
Street North.

**RECOMMENDATION:**

That amended Zoning Application 91-43, Hamcon Co-operative Housing Services, prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit development of the subject lands for a 7 storey, 100 unit non-profit housing apartment building, including a health care centre of 70 m<sup>2</sup> (750 square feet), a meeting room of 185.8 m<sup>2</sup> (2,000 square feet), and offices of 111.5 m<sup>2</sup> (1,200 square feet), as shown on the attached map marked as APPENDIX "A", be **TABLED** pending the submission of a soil study and decommissioning plan to the satisfaction of the Ontario Ministry of the Environment.

  
J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department

  
A.L. Georgieff, M.C.I.P.  
Director - Local Planning



*COMMENTS:*

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the approved Central Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL AND APARTMENTS".
3. The concept has merit for the following reasons:
  - i) it implements the intent of the Official Plan in that affordable housing (approximately 100 units) will be provided in close proximity to the downtown core;
  - ii) it is suitably located in terms of public transit, access to services, proximity to commercial shopping areas, and proximity to social and recreational amenities.

Notwithstanding the above, the application is considered premature at this time as the Ministry of the Environment has advised that there are outstanding concerns regarding soil contamination on this site, which the applicant must address. Further, the Law Department has advised that the municipality may be liable should any development proceed on contaminated soil. Therefore, it would be appropriate that the applicant address the issue of soil contamination prior to the City proceeding with the application for rezoning. Tabling the application at this time will also allow the applicant to submit revised concept plans which address the variances and concerns identified by the Building, Traffic, and Engineering Departments.

*CONCLUSION:*

On the basis of the foregoing, the amended application should be tabled pending the submission of a soil study and decommissioning plan to the satisfaction of the Ontario Ministry of the Environment.

MLT:ma  
WPZA9143

This proposed development does have merit. Again the concerns of the taxpayers in this owner-occupied area should be taken into consideration.

#### Concerns

- Official Plan in regards to Affordable Housing the Official Plan implements the intent for 100 units in close proximity the downtown area

#### Consideration

- The Planning and Development Committee must consider as well Occupancy Load
- based on the above units taken into consideration 2 occupants per bedroom
- the Occupancy Load for the 3 storey townhouse would be 80
- the Occupancy Load for 7 Storey Building would be 252.
- total population density of 332

It is unrealistic for any developer to construct in this present economic recession a building with a multitude of units and wait for off-the-street prospective tenants. My personal assumption is that Newman Developments or any other developer will eventually seek application to accommodate affordable housing. Therefore affordable housing is a fact of our times. Accommodation for the different groups and individuals keeping in mind their special needs must be studied. Then balanced with the fair allocation for the constructing of buildings in suitable areas.

#### Affordable Housing

##### Accommodation (for)

- Single - Mother

##### Area

- Avoid the downtown area
- Do not create more concrete jungles

-----  
Family (5)

- Avoid the downtown area
  - Any open space/area are ideal environments for townhouses
  - townhouses (not stacked) accommodate not only the physical aspect of the individuals but their psychological aspect
-

Disabled

- Wheel chaired individuals
- in the city buildings should be built in or close proximity of the downtown core or fringe
- this is based on all the amenities that are in the downtown area which presently are wheel-chaired accessible  
(sidewalks, ofce bldgs Jackson Sq.)

-----  
Seniors

- Downtown area and and fringes of
- within close walking distance to bus stops shopping, medical facilities, entertainment and restaurants.
- in retrospect to the new GO-Train on Hunter West ; - this southwest area probably will increase with more young working couples and students
- presently there are quite a few that live in some form of apartment building within the area
- a affordable seniors building north of Hunter W. area and within walking distance to all amenities is going to be a probable necessity.

Please review the enclosed newspaper clippings from the Hamilton Spectator dated 1992. The areas in question are

1. Hamilton Southwest (Charlton & Locke)
2. East Hamilton
3. Ancaster
4. Beamsville



# Housing plan gets uneasy nod

By JAMES ELLIOTT  
The Spectator

DESPITE WIDESPREAD opposition from residents, the city's planning and development committee approved in principle yesterday a disabled and senior citizens housing complex proposed for the Kirkendall neighborhood.

The committee, however, ordered a public meeting to discuss the proposal for a three-storey, 29-unit apartment near the corner of Charlton Avenue West and Locke Street, before a final decision is made.

Arbatan Non-Profit Homes Inc., an offshoot of St. John the Evangelist Anglican Church, has requested a zoning change for the property just west of the Locke Street church.

At issue is Arbatan's proposal to provide only 12 parking spaces while the zoning bylaw requires 37.

The committee's decision came after hearing nearly an hour's worth of complaints from about 40 people who jammed the city hall committee room.

## 1. Hamilton South West

- Please make  
note of Alderman  
Cook's quote\*

### Lack of parking

Most of the opposition centred around the lack of parking in the neighborhood and the effect of such a building on property values.

Their attitude was summed up by resident Suzy Skrtich, who lives directly across from the proposed site.

"People come home from work. Where do they park? Do we suspend our cars in the air? Do we park them on the roof? How do we sell our homes? Anybody here want to buy a house where you can't park your car?"

"No one's against handicapped people. It's just the fact that we're in an area that has no parking now and can't be compromised any further."

Ms Skrtich's comments were echoed by several other residents including Clare Weldon, who said the new building might block her access to sunlight, and Mike Difiore, who came armed with a petition signed by 35 neighbors opposed to the project.

Arbatan board member David Little assured the meeting the church is not intent on "blockbusting" and, in fact, is doing its best to minimize any negative impact on the neighborhood.

### A positive sign

Opposition to the project, he said, is a positive sign. "The strength of opposition tells me this is a caring community. We think this is a great place for people to come and live."

Support for the proposal was led by Alderman Terry Cooke, who is not a member of the committee.

He admitted that a "perfect match" of housing and neighborhoods is not attainable, but at the same time, groups such as the disabled "go out of their way to fit in." Arbatan proposes to divide the building into 11 units for paraplegics, 10 for sight- and hearing-disabled tenants and eight for senior citizens.

Committee chairman Don Drury said the public meeting will be held "within a few weeks" and the committee will make a final decision within a month.

# Residents protest site of seniors' home

By KATE BARLOW  
The Spectator

A GROUP of east Hamilton residents say they welcome a senior citizens' building in their neighborhood, but not overlooking their backyards.

"We are only objecting to the proximity of this facility to our backyards," Fairington Crescent resident Peter Ivankovic told yesterday's one-day Ontario Municipal Board hearing into the rezoning of land for the non-profit seniors' residence.

The 30-unit project by the Slovenian Society of St. Joseph Hamilton is slated for land owned by St. Gregory the Great (Slovenian) church on Centennial Parkway. The three-storey building, which will have access from Delawana Drive, will back onto Fairington Crescent homes.

The project, which received planning approval in December 1990, has been delayed pending the outcome of the hearing.

★ Mr. Ivankovic said he wanted the building moved farther east to a soccer field behind the church. The three-storey complex would mean a loss of privacy and sun in the gardens, lead to a decline in property values and an unacceptable increase in traffic, he said.

"Do I have to see just a wall whenever I go into my backyard? How much sun, air, snow, wind are we going to see? Do I have a right to my privacy with dozens of pairs of eyes watching at you?" he asked.

Project architect Henno Sillaste said locating the building on the soccer field would "use up valuable land to get a less desirable location."

Great care had been taken in the building's design and landscaping to make sure it didn't take light from the neighbors and intruded as little as possible, he said.

2. East Hamilton

Please make note  
of paragraph 5.

# Residents ready to fight church

ANCASTER — Residents fighting the proposed building of a Mormon church say their resolve and funds remain strong as an Ontario Municipal Board hearing resumes after a four-month break.

Residents of Jerseyville Road and Lovers Lane area have collected most of the \$15,000 they need for legal fees and expenses, said Gary Stapleton of Ancaster Preservation Society. The hearing resumes Sept. 16 at 10 a.m. at Ancaster town hall.

Residents claim the 1,325-square-metre (14,260-square-foot) building will disrupt the neighborhood and increase traffic beyond reasonable limits for the area. Church members say the one-hectare (2.5-acre) forested lot is an appropriate place for a church and the town erred in not granting a building permit.

When the hearing resumes, the church will complete arguments begun last April. The hearing was postponed when OMB members realized they did not have enough time to hear the matter.

The proposed one-storey building will be one half the size of the church's regional church at Upper Sherman Avenue and Stone Church Road on the Mountain.

Church officials were unavailable for comment.

## 3. Ancaster

Residents fuming over the building of a church.

# Area residents slam plan for housing complex

BEAMSVILLE — A proposal to turn a profit by selling the old town hall and using it for a non-profit housing complex has met opposition from area residents.

Neighbour John Vdoviak says the downtown King Street site is just too small for the project, wouldn't be safe for children, and would have a negative impact on the old established neighbourhood.

Preliminary sketches show a 36-unit, three-storey, geared-to-income apartment complex, a proposal Mr. Vdoviak says can't possibly fit within bylaw requirements.

"We agree with the need for availability of housing for lower income persons."

"This is one of the few areas of the community where the fine old larger homes have been kept in good condition, remaining in single-family use," he said.

Mr. Vdoviak added the complex would impact "both in terms of reduced value of these homes and by the activity generated by a multiple housing use of this size."

The hall, sitting empty and for sale since staff moved into new

headquarters last fall, was rezoned for multiple-residential use from commercial this week.

"We're simply approving the rezoning," and deciding whether the site is appropriate for a housing complex, Alderman Lynn Thomas said.

She said some councillors were using scare tactics to frighten neighbours by saying a 36-unit apartment would go up on the site.

"It's an excellent spot for this type of development," provided the project can be scaled to fit the size of the property, Mrs. Thomas said.

A staff report estimated the province would pay about \$450,000 for the property if the non-profit housing project is approved.

Alderman Brian Culp warned the town can't be too far below the 36-unit mark if it expects to get that amount of money.

Mr. Vdoviak urged council to try to interest other government ministries in using the building.

Town planners will study concerns raised over water and sewage, traffic, project size, and the lack of a children's play area.

## 4. Beamsville



The neighbouring residents in southwest Hamilton opposed a 3 storey 29 units disabled and seniors building; the neighbouring residents of east Hamilton opposed 3 storey 30 units seniors building; the neighbouring residents of affluent Ancaster opposing the building of a church and the neighbouring residents of small town Beamsville oppose 3 storey 36 unit geared to income building.

In all fairness the forementioned residents do have a right to vent their concerns. However, there is no Planning and Development Committee who can convince me or any logical individual that the Mac-Nab N/Cannon W/(3 blocks north of the super block) area is not more.


1. people congested
2. traffic congested
3. business/commercial congested

The "perfect match" for site 145 Mac-Nab N. would be DE zoning or E zoning with restrictions. The accommodations should be for disabled, seniors and singles. If the accommodations are assigned to these groups, the occupancy load would reduce. There ought to be more 1 bedroom units, less 2-3 Bedroom units this area and building should not be family geared to income, the location is not suitable for growing children. Highrise apartments with apartment playgrounds in the heart of downtown, are and always will be apartments with playgrounds.

The residents of Mac-Nab/Cannon/Mulberry area would welcome any group representing the disabled and senior. Hopefully, the City and Planning Committee will realize the logical path that the residents are trying to lead the city planners.

Perhaps, we may then achieve mutual accord between the residents, city planners, government funds, and developers.

Sincerely,

  
Rose Seminara  
on behalf of residents of Mac-Nab, Mulberry,  
Cannon, Park

c.c. Alderman Bill McCulloch, Ward 2  
Alderman Vince Agro, Ward 2  
R.M. Morrow, Mayor



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

6

**DATE:** November 16, 1993  
(TC-CAP(F))

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

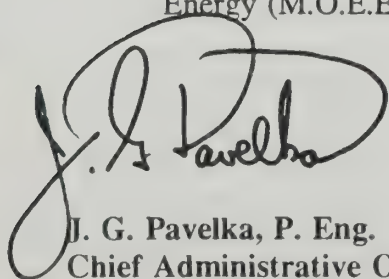
**FROM:** Mr. J. G. Pavelka, P. Eng.  
Chief Administrative Officer

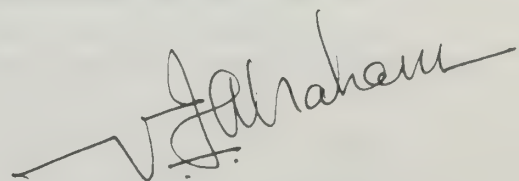
Mr. V.J. Abraham, M.C.I.P.  
Director of Local Planning

**SUBJECT:** Hamilton GO Transit Service Expansion - Noise Studies for  
Victoria Avenue Layover Yard and Hunter/Canada Street Area

**RECOMMENDATIONS:**

1. That Mr. F. Westaway, Chief Noise Control Officer, Public Works Department, be authorized to undertake noise studies, at a maximum cost of \$7,150.00, for the following two areas which may be affected by the Hamilton GO Transit Service Expansion:
  - (a) The Victoria Avenue Layover Yard, which extends from Victoria Avenue to Wentworth Street, between Alanson Street and Charlton Avenue; and,
  - (b) The Hunter/Canada Street Cut, located from Dundurn Street to Queen Street, between Hunter Street and Canada Street;
2. That this matter be referred to the Finance and Administration Committee, in order that they may recommend the appropriate method of financing for this project; and,
3. That the results of these noise studies and related analysis be reported to the Planning and Development Committee, for forwarding on to GO Transit, the Ministry of Environment and Energy (M.O.E.E.), and C.P. Rail.

  
J. G. Pavelka, P. Eng.  
Chief Administrative Officer

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning



## ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

The noise studies will be undertaken at a total cost of \$7,150.00. As these studies are not budgeted or contained in the Capital Budget, the Finance and Administration Committee is requested to recommend the appropriate method of financing for this project.

## ***BACKGROUND:***

### **Victoria Avenue Layover Yard**

The expansion of GO Transit service to Hamilton includes the restoration and renovation of the Hunter Street train station, as well as a train storage yard.

The proposed Victoria Avenue Layover Yard was identified by GO Transit in the 1989 E.A. as the site for overnight storage for their trains. This yard is located east of Victoria Avenue, south of Alanson Street, north of Charlton Avenue, extending easterly to Wentworth Street (see attached map). The E.A. approval for the service expansion was given subject to several conditions related to the layover yard, including the need for consultation with local residents and the City, and preparation of a noise assessment report. Concerns were expressed by residents and the City about the impacts of a train layover yard at this site, including concerns about noise and many other aspects.

These concerns were the subject of a report by the Advisory Committee on GO Transit, and a staff report dated July 15, 1993, which were approved by the Planning and Development Committee. As a result, City Council at its meeting of July 27, 1993, approved the resolutions, which included a request for the Province to defer decision regarding the Victoria Avenue yard until a full assessment of all alternative sites for the layover yard was carried out.

GO Transit submitted their final report on the Victoria Avenue Yard to the Ministry of Environment and Energy (M.O.E.E.) in October 1993, and copies were forwarded to the City and residents on October 21, 1993. The report addresses noise issues and public comments.

On preliminary review of this report by the Noise Control Officer, questions were raised about the noise which will be generated by the GO trains; the methodology used to predict and measure noise; and the nature and effectiveness of mitigation measures including the 6 m (20 ft.) noise wall. As a result of the concerns about the impact of the yard upon nearby residents, it is felt that the City should conduct its own noise measurements and analysis, to confirm GO Transit's conclusions.

### **Hunter/Canada Street Cut**

The GO trains will be using the C.P. Rail trackage located in the Hunter/Canada Street Cut, from Dundurn Street to Queen Street, between Hunter Street and Canada Street, to access the terminus. In August, 1993, C.P. Rail held a public meeting to discuss their plans for this area, which include the addition of trackage, construction of a retaining wall, and revegetation of the slopes.

Concerns have also been raised about noise associated with GO Trains in this vicinity, as well as other aspects of this work. Several meetings have been held with a sub-committee composed of Kirkendall residents to discuss these concerns with C.P. Rail. The noise measurements conducted by C.P. Rail have been questioned. It therefore would seem appropriate for the City to undertake

its own noise study in this corridor, to confirm the findings of C.P. Rail, and to determine whether any changes are required to the proposed works in this area, to provide noise mitigation.

This matter was brought forward to the Planning and Development Committee meeting of November 3, 1993, and referred back to the Planning and Development Committee by City Council at its meeting of November 9, 1993.

#### ***COMMENTS:***

It is noted that GO Transit has undertaken its own noise studies for these two portions of the study area. However, it is considered desirable for the City to carry out its own noise analysis as well, in light of the importance placed on noise in the M.O.E.'s evaluation of the layover yard, and the concerns in the Hunter/Canada corridor. This information will provide the basis for City comments to GO Transit and C.P. Rail.

At a meeting held on November 16, 1993, representatives from GO Transit, the M.O.E., the City, the Advisory Committee on GO Transit, and citizens met to discuss outstanding concerns regarding the overall GO Transit project. The undertaking of noise studies for these two areas was one of the agreed courses of action. Others will follow, including further reports to Committee and Council from staff and the Advisory Committee on GO Transit on these matters to confirm their positions. The Advisory Committee on GO Transit will review the noise study findings, prior to their consideration by the Planning and Development Committee.

The attached memorandum from the City Noise Control Officer outlines the details of the proposed studies, including the hours and cost associated with each of the two areas.

#### ***CONCLUSION:***

It is recommended that noise studies be conducted by the Chief City Noise Control Officer for both the Victoria Avenue Layover Yard and the Hunter/Canada Street Cut, since:

- The decision regarding the Layover Yard, according to the conditions of the M.O.E. approval, may be based completely on noise levels and the effectiveness of noise mitigation;
- For the Layover Yard, there are major concerns associated with the noise levels predicted by GO Transit, the methodology used to predict and measure noise, and the nature and effectiveness of the mitigation measures, including the 6 m (20 ft.) noise wall;
- Noise levels anticipated due to GO Trains in the vicinity of the Hunter/Canada Street Cut are of concern, since the noise levels predicted by C.P. Rail have been questioned, and the amount of noise mitigation to be provided by the retaining wall and revegetation is not known; and,
- A noise study is required to effectively evaluate technical information from GO Transit and C.P. Rail, and prepare appropriate responses to their reports regarding both areas.

cc. A. Ross, Treasury Department  
S. Reeder, Secretary, Finance and Administration Committee

**PUBLIC WORKS DEPARTMENT****CITY NOISE CONTROL****MEMORANDUM**

\*\*\*\*\*

TO: V.J. Abraham, M.C.I.P.  
Director, Regional Planning Division  
Planning and Development Department

YOUR FILE:

FROM: Mr. F. Westaway  
Chief Noise Control Officer  
Public Works Department

OUR FILE:  
PHONE: 523-5670

SUBJECT: Go Transit Noise Study

DATE: 1993 November 16

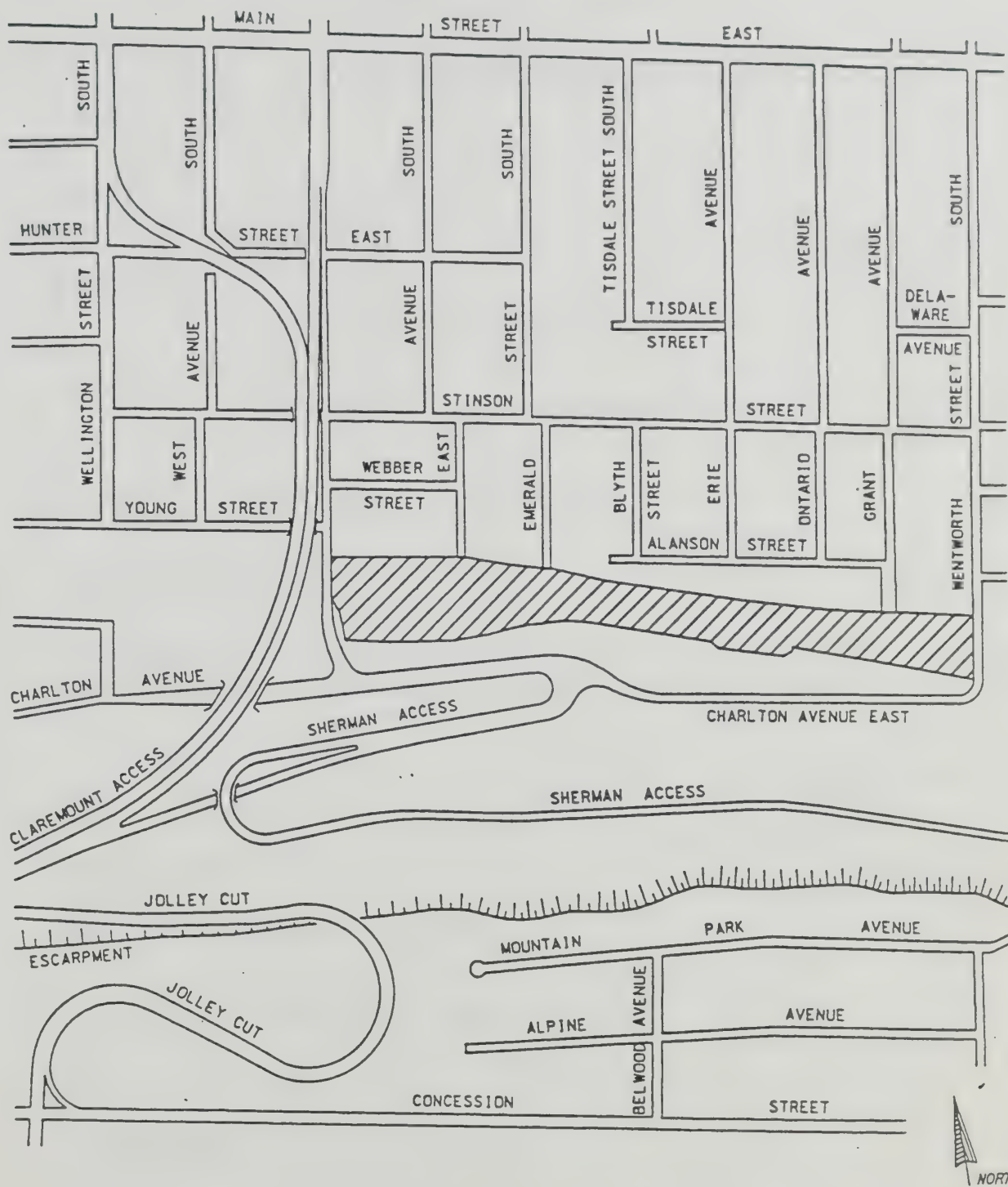
Further to our discussion, please find contained in this memorandum the total cost required for the City Noise Control Officer to conduct a full noise study regarding Go Transit. The total cost of the noise study for the Layover Yard and the Canada/Hunter corridor is \$7150.00.

In order to verify Go Transit's report, regarding the Layover Yard, noise monitoring must be conducted on a twenty four hour basis for seven days (seven different locations) to determine the background noise level. After which, calculations must be conducted to substantiate Go Transit's report. Ten hours overtime @ \$65.00 per hour for seven days = \$4550.00.

With regard to the Canada/Hunter corridor, the total cost to conduct a noise study is \$2600.00. Ten hours overtime @ \$65.00 per hour for four days = \$2600.00.

As you are aware this is not a budgeted study; therefore, the Finance and Administration Committee should recommend a method of financing for this project.





PROPOSED GO TRANSIT LAYOVER YARD SITE





7a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 9  
(TC-CAP(C))

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** CAPIC Report - Harbourfront Park

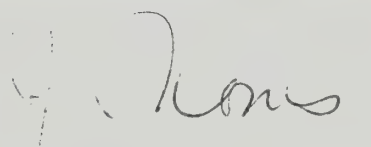
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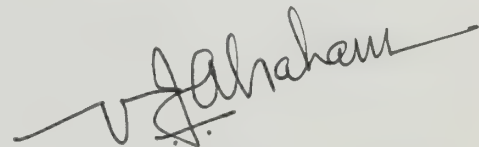
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CITY CLERKS

**RECOMMENDATION:**

That the report of the Central Area Plan Implementation Committee, dated November 9, 1993, be referred to the West Harbourfront Development Study Steering Committee.

  
**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The West Harbourfront Development Study is ongoing and being overseen by a Steering Committee comprised of Council members and citizens to be appointed by Council. The Steering Committee is charged with the responsibility for the study, in concert with staff persons from many City and Regional Departments.

The recommendation from the Central Area Plan Implementation Committee merits consideration by the Steering Committee. Harbourfront Park has undergone substantial redevelopment in the past year and currently is passive Open Space. This park is an important component of the overall waterfront area and the requested moratorium on further development should be integrated into the West Harbourfront Study.

It should be noted that the Terms of Reference for the West Harbourfront Development Study identify the Central Area Plan Implementation Committee as one of the stakeholders. In this regard, referring CAPIC's recommendation to the West Harbourfront Study Steering Committee is in keeping with the Terms of Reference of the study.

MLT:mlt



7b)

**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**  
a Subcommittee of the Planning and Development Committee  
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

**- RECOMMENDATION -**

RECEIVED

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CITY CLERKS

**DATE:** 1993 November 8  
(TC-CAP(C))

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Russell Elman  
Chairperson  
Central Area Plan Implementation Committee

**SUBJECT:** Harbourfront Park

**RECOMMENDATION:**

That Harbourfront Park should remain as a low-intensity Open Space park area with a moratorium on any permanent additional development or construction on this site until the completion of the West Harbourfront Development Study and any development of the site after that time be consistent with the Official Plan, the Central Area Plan, and the North End West Neighbourhood Plan.

Russell Elman,  
Chairperson,  
Central Area Plan Implementation Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



## BACKGROUND:

CAPIC's mandate is to advise and make recommendations (through the Planning and Development Committee) with respect to the implementation of policies set out in the Central Area Plan. The purpose of this Plan is to provide a guide for the development of the Central Area of the City (defined as the area from the Escarpment to the Bay and from Queen Street to Victoria Avenue) from the present into the next century; its goals include encouragement of "suitable waterfront development with appropriate links to the downtown". CAPIC's involvement entails an assessment of the possible directions of the Hamilton-Wentworth Region's evolution and consideration of various proposals for waterfront development.

CAPIC believes that immediate priority should be given, consistent with the policies set out in the Central Area Plan to confirming a low-intensity OPEN SPACE usage during the rest of the 1990's for the former Lax Property and creating a public awareness of this unique new waterfront park.

A moratorium will allow time to assess the usage of the site as an OPEN SPACE and to determine its future within the context of comprehensive planning for the Central Area waterfront and the Hamilton Harbour area.

It is essential to plan for a variety of uses in appropriate locations along the Waterfront, including low-intensity OPEN SPACE. Planning for other uses of the Lax Peninsula must not be undertaken in isolation of potential development plans for lands owned by the Hamilton Harbour Commission, which some years ago developed a concept plan for eventual commercial/residential development of Pier 8 (Centennial Pier).

It would be a mistake to crowd too many facilities or activities in any single place, particularly in a relatively small area such as the Lax Peninsula; other sites (Gage Park, Princess Point, Dundurn Castle, Confederation Park) are already available for public activities such as festivals. In the Central Waterfront area, the recently-completed refurbishing of Pier 4 Park, which includes various facilities, to some extent offsets an immediate need for further "development" of the Lax site.

The Lax Peninsula already has been "developed" as an "Open Space" Park during 1993 with paved paths, trees, water, etc. When opened to the public, it will be the only place in the Hamilton-Wentworth region providing an extended circular pedestrian/bicycle waterfront pathway with unique urban and marine vistas.

It is important to ensure that at least one location on the Harbour remains in a relatively natural form with a pleasing, serene and well-maintained shoreline, a simple luxury lost to Hamiltonians years ago. It is not necessary to adorn all the recreational Open Space along Hamilton's waterfront with the embellishments that typify so many "revitalized" waterfront areas elsewhere.

In this period of economic restraint, there is little likelihood of sizable additional public funding, from any source, or of private financing for a major development on this site. During the period

of the moratorium, the financial burden on the taxpayer should be minimal, limited mainly to paying for maintenance; any additional major development of the Lax Peninsula will require a full environmental assessment, which could be both time-consuming and expensive.

RE:dkp



8.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 15, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Len C. King  
Building Commissioner

**SUBJECT:** Permit Fee for Installation of Siding for Single  
Family Dwellings (BI-93-03, 93.2.4.2.1.A)

RECEIVED

NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**


That City Council amend By-Law 93-167 to provide the following building permit fee.

**Class of Permit**

**Fee**

Installation of Siding for Single Family Dwelling...

\$75.00



Len C. King, P. Eng.  
LCK/WKW/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**

**BACKGROUND:**

At the present time, Building By-Law 93-167 does not have a fee covering the installation of siding for single family dwellings, therefore, the building permit fee is a minimum \$150 as per the current fee schedule. Last month, this Department had a meeting with representatives from the siding industry and at this meeting they requested reduction in the permit fee from \$150 to \$75, which is the same fee now charged for re-shingling a roof for a single family dwelling.

The reason for the reduction in the permit fee is due to the fact that in most cases, the average cost of siding jobs only range from \$3,000 to \$6,000. Many aluminum siding contractors feel \$150 is too high considering the minimal cost of the job. They also advised that this higher permit fee is causing more contractors to start the work without the benefit of a permit.

Therefore, this Department recommends the permit fee for the installation of siding for single family dwellings be reduced to \$75 which would be more reasonable for this kind of work. We are confident that the lower permit fee will encourage more contractors to apply for a permit prior to starting the work.





PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 NOVEMBER 24

**CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning & Development Committee meeting of 1993 November 3

B. **DIRECTOR OF PROPERTY**

Expropriation - 403 Sherman Avenue North

C. **SECRETARY, LACAC**

- (a) Funding for Non-Profit Housing
- (b) Hamilton Court House

D. **BUILDING COMMISSIONER**

- (a) **Hamilton Emergency Programme**
  - i. 94 Edinburgh Avenue
  - ii. 10 Huron Street
  - iii. 50 Barton Street East
  - iv. 1A Roanoke Place
- (b) Commercial Loan Programme - 201 Ottawa Street North
- (c) **Demolition Permits:**
  - i. 138 Park Street North
  - ii. 6 Dunraven Avenue



E. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Proposed Draft Plan of Condominium "Limeridge Garden Terraces"
- (b) Proposed Draft Plan of Condominium - 293 Limeridge Road West
- (c) Application to remove part-lot control from Lot 1, and Lots 4 to 14 inclusive, "Claudette Gardens - Phase 4" Subdivision

F. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items





A.

Wednesday, 1993 November 3  
9:30 o'clock a.m.  
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor Robert M. Morrow  
Alderman D. Wilson  
Alderman F. D'Amico  
Alderman B. Charters  
Alderman H. Merling  
Alderman M. Kiss  
Alderman Wm. McCulloch

**Also Present:** Alderman T. Anderson  
Alderman T. Jackson  
Alderman D. Ross  
Alderman G. Cops  
Victor Abraham, Director of Local Planning  
Art Zuidema, Law Department  
Eugene Chajka, Roads Department  
John Robinson, Building Department  
Peter Lampman, Building Department  
Bill Janssen, Planning Department  
Caroline Floroff, Planning Department  
Roland Karl, Traffic Department  
John Sakala, Planning Department  
Hazell Milsome, Community Renewal, Public Works Department  
Mark Mascarenhas, General Manager, Housing Department  
Tina Agnello, Secretary

**1. PUBLIC MEETINGS**

**Zoning Application 93-21, F. and A. Mastroianni and D. Cavoto, owners for a change in zoning from "AA" (Agricultural) District, modified to "R-4" (Small lot Single Family Detached) District, for lands located at the rear of No. 1462 Upper Sherman Avenue; Butler Neighbourhood**

Barry Clark was presented representing the applicant.

As recommended by Commissioner of Planning and Development in a report dated 1993 October 26 the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 93-21, Frank and Antonietta Mastroianni and Diodoro and Olimpia Cavoto, Owners, requesting a change in zoning from "AA" (Agricultural) District, modified to "R-4" (Small Lot Single-Family Dwelling) District, modified to permit future development for five (5) small lot single-family detached dwellings, for property located at the rear of No. 1462 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District;
- (b) That the "R-4" (Small Lot Single-Family Dwelling) District regulations as contained in Section 9A of Zoning By-Law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:

- (c) Notwithstanding Section 9A.2.(c)1. of Zoning By-Law No. 6593, every lot for a single-family dwelling shall have an average lot width of not less than 9.50 metres and an average lot area of not less than 306.0 square metres.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1320, and that the subject lands on Zoning District Maps E-27C and E-27D be Notated S-1320;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and E-27D for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

## 2. Walkway Closure - Fonthill Street

Bill Janssen was present from the Planning Department. He stated that the Condo Corporation has requested the City to take over a walkway which is in this development on the west mountain. There was a public meeting held in September and most people were in favour of keeping the walkway open. The Condo Corporation is willing to extend the walkway from 5-10 feet if the City takes it over. It will cost approximately \$10,000. for the Public Works Department to make the walkway 10 ft. in width and in addition there will be maintenance costs. Bill Janssen added that from a Planning perspective the walkway is important. It is a link to the HSR to Sir Allen MacNab Highschool. It also useful for the elderly and people that have disabilities. He recommended that the report be referred to the Transport and Environment Committee for consideration.

Libby Richmond of 53 Fonthill Road, Unit 12 was present in favour of keeping the walkway open for safety reasons and as a linkway to the bus and other amenities. She stressed though that the walkway needs lighting in order to be safer.

George Jones of 632 Upper Paradise was present he said that if it is to remain open, it is to be maintained because it presently is not in good condition.

William Asher of 54 Fonthill Road was also present. He stated that his property was the last on Fonthill and originally, that Fonthill was to connect to Upper Paradise Road. He was opposed to road closure at that time and guarantee from the Alderman that the walkway would remain open he withdrew his objection at that time. He added that he would like the walkway to remain open and that if it does so and the City takes it over that the snow should be removed in the winter.

Mrs. Howen of 63 Fonthill Road, Unit 13 was present in support of keeping the walkway open. She also added that it is good as a fire exit.

Alderman Ross stated that at the Public Meeting in September most people were in favour of walkway. He also added that if widened it would be good access for wheelchairs and all other residents as well.

Alderman D'Amico concurred and stated that there is some concern with the maintenance of the walkway and if taken over by the City the maintenance will be taken care of.



Alderman Wilson stated that he was uncomfortable in taking over a private alleyway.

Alderman Eisenberger concurred and stated that many condos have walkways and that this would set a poor precedent. He also questioned the availability of money and the budget for maintenance. He suggested that possibly there could be a cost sharing proposal worked out since the walkway is the responsibility of the Condo Corporation.

Alderman Ross stressed the fact that the City required the Condo Corporation to place the walkway in that location for the good of the neighbourhood at large and not the condo development only. He advised that if the City does not take over the walkway the Condo Corporation will close it. He also stressed that this is a unique circumstance and there are not many examples of walkways in the same circumstance.

Alderman Merling concurred and stated that the walkway should stay open but said that the cost sharing arrangement should be examined.

Alderman Wilson and Charters questioned the legal obligation of the developer to maintain and keep the walkway open.

Art Zuidema stated that the agreement was not registered on title and the original owner of the Condo Corporation has changed. As such the new owner can not bound.

In response to a questions from Alderman D'Amico, Art Zuidema replied that the walkway is private land and as such the Condo Corporation can close it if that is what they see fit.

As recommended by the Commissioner of Planning and Development in a report dated 1993 October 26 the Planning and Development Committee approved the following recommendation:

- (a) That the walkway located between Fonhill Road and Upper Paradise Road in the Fessenden Neighbourhood be identified as a public walkway on the approved Fessenden Neighbourhood Plan as shown on the attached Appendix "B" subject to the Transport and Environment Committee approving the acquisition of the walkway.
- (b) That the issue of assuming the walkway be referred to the Transport and Environment Committee for implementation.

3. **Amended Zoning Application 93-25, Trustees of Bethel Gospel Tabernacle, owners, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District, modified, for lands located at Nos. 1321, 1329, 1335 and 1343 Upper Wellington Street; Crerar Neighbourhood**

Mr. Keith Avery, Bruce Dankin and Dave Newal of the Bethel Gospel Tabernacle were present in support of the application.

Caroline Floroff stated that the proposal consist of a 4-storey multiple dwelling, a 6-storey multiple dwelling and 26 townhouses on the property. All other features of the "DE" zone are intended to be met. There is also a walkway proposal in this plan. The proposal conforms to the official plan but some changes in the neighbourhood plan are required. Easement agreements and site plans to be registered on title are required.



The configuration of the plan is such that the highest building is in the centre of the site with lower buildings to the sides. Its compatible to with existing and surrounding development and is suitably located at a major artery. It satisfies new apartment development on the mountain which is presently in short supply. There is a holding provision pending storm and sanitary sewers on the property.

Discussion ensued among the Committee with regard to the requirement for the holding provision on the property. It was determined that if the applicant applies for a building permit and there is no holding provision there is still control under the site plan agreement.

Mr. Avery stated that many changes were made through negotiations with the City Departments and he thanked staff for their co-operation. He was surprised with the H symbol and suggested that the word "may remove the H Symbol" should be changed to "will".

The Committee concurred to the request as a friendly amendment.

In response to a question from Alderman McCulloch, Art Zuidema stated that if there is no "H" symbol on the property it is possible in the future for new owners of the property to apply to the OMB to get approval for a building permit should the Committee and refuse approval through site plan.

Following brief discussion the Committee moved to approve the recommendation of the Commissioner of Planning and Development dated 1993 October 27 and recommended to Council as follows:

- A. That approval be given to amended Zoning Application 93-25, Bethel Gospel Tabernacle, owners, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District modified, to permit a 4 - storey, 38 unit multiple dwelling fronting onto Upper Wellington Street; a 6 - storey, 57 unit multiple dwelling; and 26 townhouse units on the lands known as 1321, 1329, 1335, 1339, and 1343 Upper Wellington Street, as shown on the attached map marked as Appendix "C", on the following basis :
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;
  - (b) That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - i. That notwithstanding Section 10B (1) of Zoning By-law No. 6593, only a maximum of 26 townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the rear portion of the subject lands;
    - ii. That notwithstanding Section 10B (2) (ii) of Zoning By-law No. 6593, the multiple dwelling fronting Upper Wellington Street shall not exceed four (4) storeys or 13.5 m in height, and the second multiple dwelling shall not exceed six (6) storeys or 20.0 m in height;
    - iii. That a maximum of ninety-five (95) multiple dwelling units shall be permitted;

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1319, and that the subject lands on Zoning District Map E-18B be notated S-1319;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
  - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning;
  - (f) That the approved Crerar Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Residential" to "Medium Density Apartments", "Attached Housing" and "Proposed Walkway", and by amending the approved road pattern.
- B. That as a condition of Site Plan Approval, the applicant/owner shall dedicate an easement to the City, by agreement, to provide for a walkway extending from the easterly property line to Upper Wellington Street including a portion to be provided on the applicant's lands immediately to the south and that the easement and site plan be registered on title.

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

**CI-91-H - Review of Parking Lot Regulations and Design Standards (Previously Tabled)**

The Mayor stated that he is not satisfied with the 25% landscaping requirement on the landscaped strip.

Peter Baker of the Parking Authority stated that municipal parking lots will try to maintain 50% landscaping but that for other owners there is limited ability to find watering facilities for planting.

Alderman Copps concurred with the Mayor and added that she would like a provision that no black topping be permitted on the landscape strip.

Alderman Drury stated that the compromise which staff reached with the parking lot owners is sufficient and that 25% is also sufficient. Alderman McCulloch concurred.

The Mayor reiterated that in order to plan an attractive downtown there should be some greenery. Alderman Wilson concurred.

Alderman Wilson and Alderman Eisenberger concurred and Alderman Eisenberger added that the landscaping amount has been reduced from three metres to an average of two metres and which should not be further be reduced.

Art Zuidema suggested that the landscaping be registered on title for future owners to maintain. He also stated that a definition of landscaping will be determined in the by-law and will specify that there be no black topping.

Following discussion the Committee moved to approve the recommendation of the Commissioner of Planning and Development dated 1993 October 26 as amended to provide that the landscape strip be 50% greenery as follows:

- A. That approval be given to City Initiative CI-91-H to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements on the following basis:

- (a) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, be amended as follows:

- i. That Section 13C.(1)(iii) be amended by adding the words "notwithstanding clauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said clause;
- ii. That Section 13C.(3) be deleted in its entirety and replaced with a new Section, as follows:

#### AREA REQUIREMENTS

- (3) The following yards shall be provided within the district and maintained as appurtenant to every building in a G-3 district:-
  - (i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').
- iii. That Sections 13C.(4) and (5) be deleted in their entirety and replaced with a new Section 13C.(4), as follows:

#### LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

- (4) (i) A landscaped area having a minimum average width of 2.0 metres (6.56'), but not less than 1.0 metre (3.28') in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways;
- (b) Notwithstanding Section 2.(2)J.(xb)(c) of this By-law, not less than 50% of the required landscaped area referred to in clause (4)(i) above shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers;
- (c) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use;



- (d) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line;
    - i. All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;
    - ii. Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.
  - (e) That Section 18A Parking and Loading Requirements of Zoning By-law No. 6593, be amended by adding a new Section 18A. (40), as follows:
    - 18A.(40) Every public parking lot shall be subject to the provisions of Section 13C.
  - (f) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council;
  - (g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence for new parking lot development, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.
- C. That Site Plans for all new parking lots are to be registered on title with the land.

5. **COUNCIL REFERRAL BACK - BUILDING COMMISSIONER**

**Hamilton Disabled Programme**

In response by a question from Alderman Drury, John Robinson stated that the program has been in effect for 10 years and there has not been an application in approximately 2 to 3 years.

Since the Provincial Program access addresses the requirements of applicants more adequately. Mr. Robinson added that since there are funds in this program that the mandate of the program be changed to allow institutions to access the money.

Alderman Copps was concerned that the money would be available to private organizations such as restaurants etc. She further felt that the City should be spending these funds on making their facilities more accessible prior to making the funds available to the General Public. Alderman Charters concurred.



Rhonda Ross, President of Ushiba Hamilton and the Committee allowed her request to speak. She stated that money is required for a seminary which houses approximately 300 hundred young males and they require \$5000. for a lift for a two-storey building without wheelchair access. She concluded by stating that there are no other funds available from the Province for this purpose.

John Baxter, Rygiel Home was also present to request funds. He stated that they require money for a ramp which Provincial Funds are not available for at this time. A discussion ensued with regard to these requests and potential other requests for the funding. Following brief discussion the Committee resolved to recommend to Council as follows:

That the Hamilton Disabled Programme be discontinued and the remaining funds in the City account in the amount of \$98,766. and outstanding loan repayables in the amount of \$38,892. be referred to the Management Team to be re-allocated and considered in the Capital budget deliberations.

6. **CHAIRMAN OF THE MANAGEMENT TEAM AND MANAGEMENT TEAM**

**1994 User Fees - Building Department - Planning Department**

Victor Abraham pointed out that increase in fees for street name change is the largest increase since the City must pay for three publications in the newspaper as required by statutes.

As recommended in a report dated 1993 October 27 the Committee resolved as follows:

- (a) That the 1994 User Fees for the following Departments as outlined on Schedule 1, Committee of the Whole Agenda, dated October 26, 1993, be approved;
  - i. Building Department - pages 1-2
  - ii. Planning Department - pages 17-21
- (b) That the City Solicitor be authorized to prepare the necessary amending By-laws to reflect the changes.

7. **BUILDING COMMISSIONER AND DIRECTOR OF PUBLIC WORKS**

**Barton Street Revitalization**

The Mayor stated that many new Canadians are moving into this area and the area needs revitalization. Any developments in this area should be made a priority. The Mayor also stated that he wishes to be notified of any meeting regarding the Barton Street revitalization.

Alderman McCulloch was also in support and stated that he regrets that there is not James Street B.I.A. to take advantage of this type of revitalization.

Alderman Drury concurred with the Mayor and stated that the area should be extended to Kenilworth Street.

The Committee recommended to Council the recommendation of the Commissioner of Building and Director of Public Works in a report dated 1993 October 27 as amended as follows:

- (a) That the Building Commissioner be authorized and directed to:
  - i. Formulate programmes to stimulate the revitalization of Barton Street from James to Kenilworth Streets with Phase 1 identified as the B.I.A. from Wentworth to Wellington Streets.
  - ii. Establish a Design and Implementation Committee chaired by the Building Commissioner and made up of Representatives from the Building, Public Works, Planning and Development, and Economic Development Departments, Municipal Non-Profit, and the Business Improvement Area.
- (b) That the Planning and Development be directed and authorized to provide a land use review of Barton Street with the intent of modifying certain areas to facilitate commercial/residential development.
- (c) That the cost of implementing the programmes be financed from the Ontario Home Renewal Programme Reserve Account.
- (d) That the Building Commissioner be authorized and directed to make application to the Province of Ontario for authorization to utilize the Ontario Home Renewal Programme Funds when the programmes are developed.

8. CO-CHAIRPERSONS, CENTRAL BEASLEY NEIGHBOURHOOD PLAN REVIEW TEAM

**Concerns Re: Hamilton Street Railway Initiatives in Central and Beasley Neighbourhoods**

Mr. James Drake was present in support of the report.

Alderman Drury stressed that the importance of the trollies is important since these types of buses are user and environmentally friendly.

The Committee moved to receive and forward to the Region of Hamilton-Wentworth the report of the Co-Chairpersons of the Central Beasley Neighbourhood Plan Review Team as follows:

- (a) That the report prepared by the Central/Beasley Neighbourhood Plan Review Team entitled concerns in Regard to Hamilton Street Railway Initiatives in Central and Beasley Neighbourhoods be forwarded to Regional Council; and
- (b) That the following recommendation from the Central/Beasley Neighbourhood Plan Review Team be forwarded to Regional Council:
  - i. That the finalization of tenders for the purchase of new trolley busses and the replacement of overhead wires for the Hamilton Street Railway on Hughson Street and Barton Street be held off until the Central Business District Study, the Central and Beasley Neighbourhood Plans, the Gore Park Fountain placement issue, and the Ferguson Avenue Revitalization Advisory Committee Master Plan have been finalized; and
  - ii. That Regional Council reconsider the appropriateness of a trolley bus system as it pertains to Hughson Street and Barton Street.

9. ALDERMAN M. KISS

## Noise Study for Hunter Street GO Station - Frank Westaway

After brief discussion the Committee recommended to Council as follows:

That the Noise Control Officer be directed to conduct a noise study on the GO Transit Canada/Hunter Corridor in the amount of \$4,000.

10. CONSENT AGENDAA. ADOPTION OF THE MINUTES

The Minutes of the Planning and Development Committee meeting of 1993 October 20 were approved as circulated.

The Committee recommended to Council various recommendations in reports as follows:

B. SENIOR DIRECTOR, ROADS DEPARTMENT

## Rymal Square Estates, Phase 5 - Cash in lieu of Parkland dedication dated 1993 October 19:

That the City of Hamilton accept the sum of \$21,840. as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 5, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.

C. COMMISSIONER OF PLANNING AND DEVELOPMENT(a) Site Plan Control Application DA-93-31, Taco Bell Canada, Prospective Lessee, for lands at 460 Main Street West; Strathcona Neighbourhood

A brief discussion ensued with regard to the design of this project.

The Mayor stated that Taco Bell has been a good corporate citizen.

Alderman Charters added that some minor variances have yet to be approved at Committee of Adjustment.

Alderman Kiss suggested that the applicants knock on some neighbourhood doors to determine their support of the application.

Following brief discussion the Committee resolved to approve the recommendation dated 1993 October 27 as follows:

That approval be given to Site Plan Control Application DA-93-31 by Taco Bell Canada, prospective Lessee of lands at 460 Main Street West, (The Kingsgrove Companies, Owner) to establish a restaurant subject to the following:

- (a) modification to the plans related to dimensions, notes, driveways, islands, fencing and landscaping as marked in red on the plans;



- (b) modification to the elevation plan to increase the height of the corner tower;
- (c) dedication to the Region of required road widenings on Main Street and Dundurn Streets as marked on the plan;
- (d) approval by the Committee of Adjustment for the following variances:
  - i. to permit a distance of 3.0 m from the residential district to the parking area instead of the required 12 m;
  - ii. to permit access to the northerly alleyway instead of providing a minimum 30 m distance from the residential district;
  - iii. to permit a 1.2 m wide landscape strip instead of 1.5 m from the parking area abutting Main Street West;
- (e) incorporation of comments from Public Works Department on the proposed plantings along the road widenings on Main and Dundurn Streets and the impact of the existing tree adjacent to Main Street;
- (f) modification to the plans to provide paving of the public alleyway to City of Hamilton standards; and
- (g) provision of appropriate securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993.

\* Alderman Charters opposed.

- (b) **Proposal to rename Confederation Drive and part of Nash Road North to Van Wagner's Beach Road dated 1993 October 25:**

That the Regional Municipality of Hamilton-Wentworth be advised that The City of Hamilton does not object to the proposed renaming of Confederation Drive, and a portion of Nash Road North, to Van Wagner's Beach Road.

#### **D. SECRETARY, PLANNING AND DEVELOPMENT**

##### **Information Items**

As recommended in a report dated 1993 October 27 the Committee received the following reports in correspondence for information purposes:

- (a) Bordon & Elliot per Hamilton Harbour Commissioners Re: Official Plan Amendment No. 80 dated 1993 September 28
- (b) City Solicitor Re: Multiple Complaints Charges: Zoning By-law dated 1993 October 18
- (c) Commissioner of Planning and Development Re: Request to amend the approved Beasley Neighbourhood Plan to close the southern portion of Cathcart Street dated 1993 October 20.



11. OTHER BUSINESS

None.

12. ADJOURNMENT.

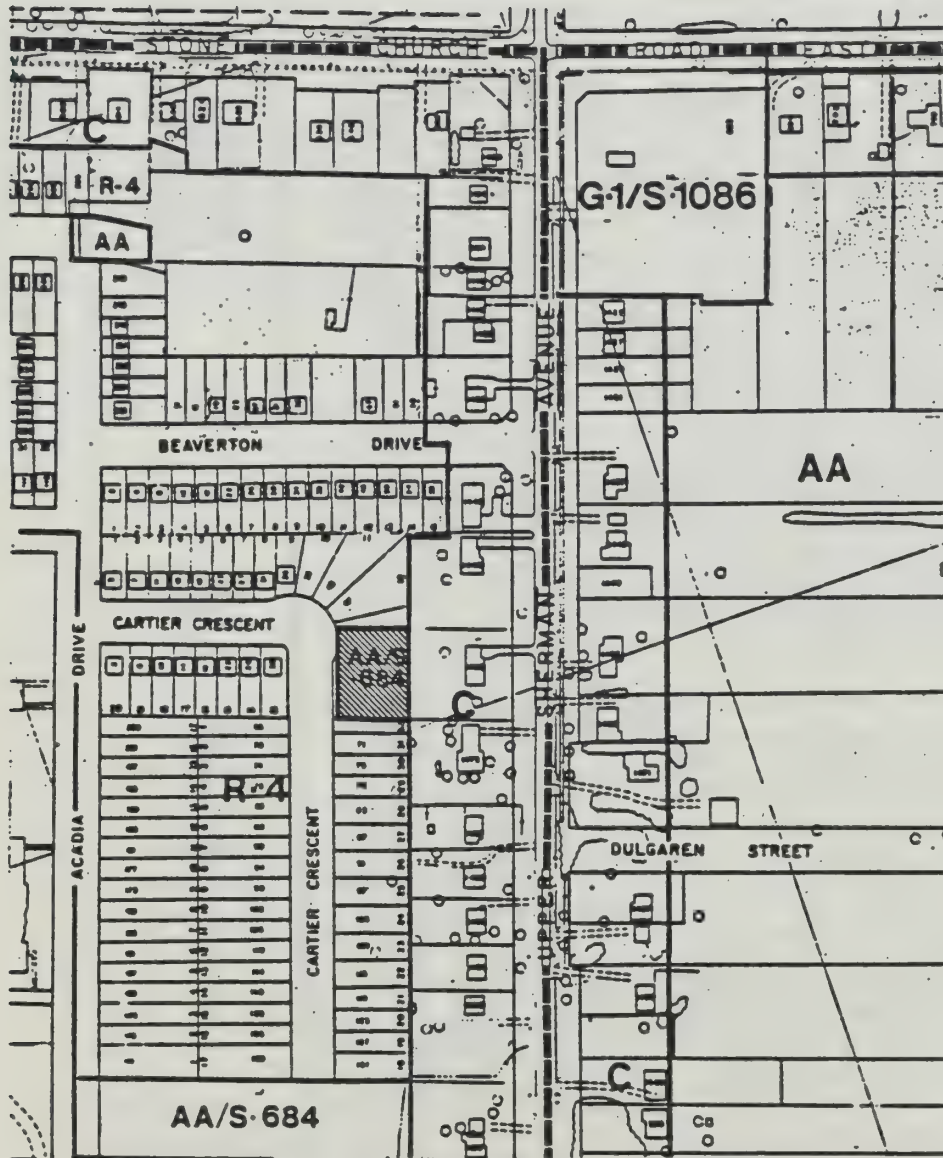
There being no further business the Committee meeting adjourned.

TAKEN AS READ AND APPROVED,

ALDERMAN D. DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary  
1993 November 3

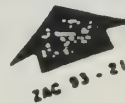
Appendix "A" as referred  
in Section 1 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 November 3

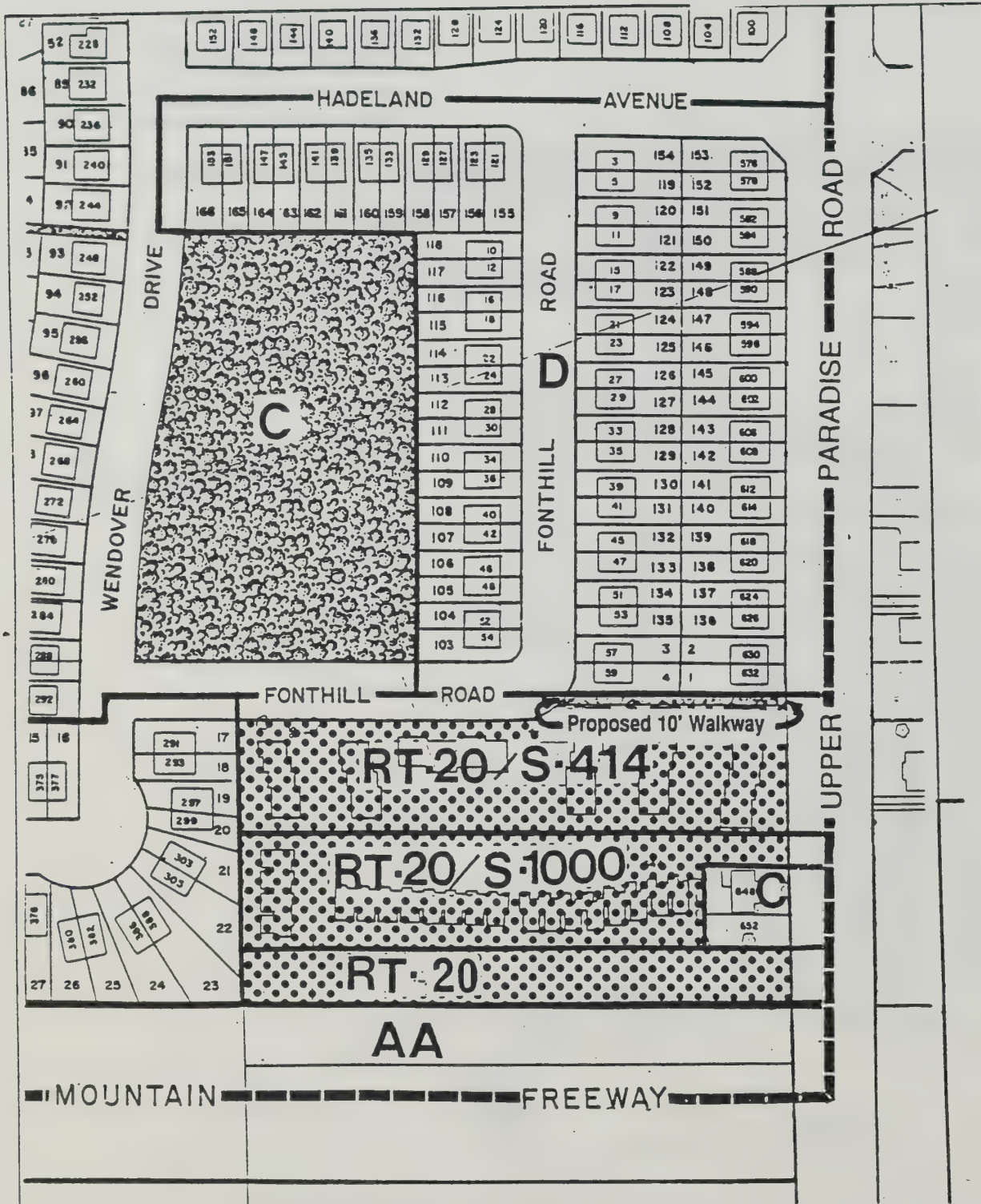


Legend



Site of the Application

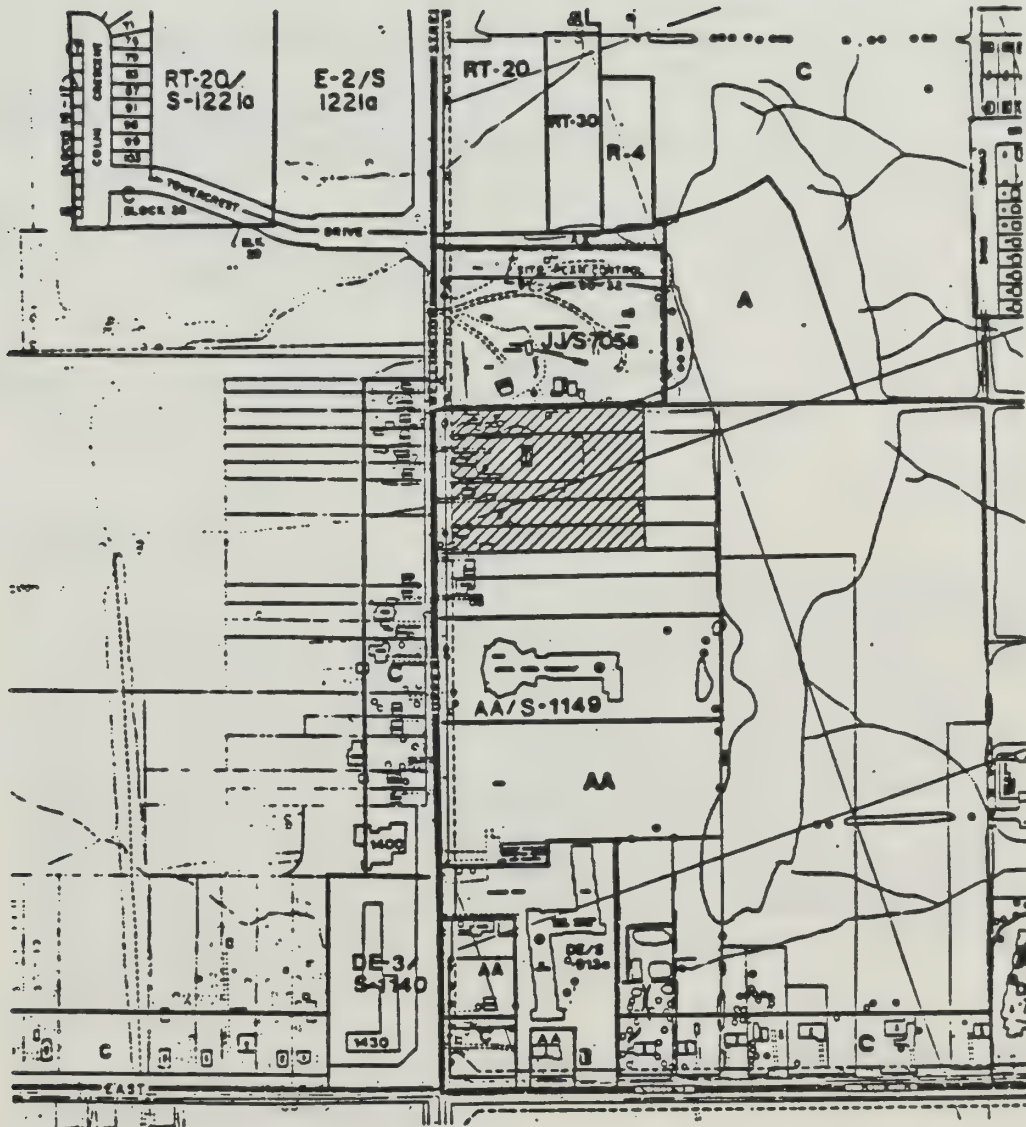




|   |  |  |
|---|--|--|
| <p>----- Neighbourhood Boundary<br/>----- Zoning Boundary</p> <p>Approvals</p> <p>Planning Committee: JAN. 23, 1993 Council: JUNE 10, 1993</p> <p>Latest Revision Date October 1, 1993.</p> | <p><b>LAND USE</b></p> <p><b>RESIDENTIAL</b></p> <p>single and double attached housing</p> <p><b>PARK &amp; RECREATIONAL</b></p> | <p><b>CITY OF HAMILTON</b><br/>Planning Department</p> <p><b>Part of FESSENDEN</b><br/>APPROVED PLAN</p> <p>NORTH</p> <p>0 50m 100m</p> <p>SCALE</p> |
|---|--|--|



Appendix "C" as referred to  
to in Section 3 of the  
Minutes of The Planning and  
Development Committee  
Meeting held 1993 Nov. 3



Legend



Site of the Application

ZAC-93-25





B

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 17

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** D. W. Vyce  
Director of Property

**SUBJECT:** Expropriation by City of Hamilton  
403 Sherman Avenue North - Donald Arnott

RECEIVED

NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**

- a) That an Agreement by Owner to Accept compensation, executed by Donald Arnott, on 1993 November 15, and scheduled to close on or before 1993 December 7, for the lands being part of Lot 9, Concession 1, in the former Township of Barton, part of Plan 547, more specifically described as Parts 1, 2 and 4 on Expropriation Plan No. 38851 (together with a right-of-way over Part 3), having a frontage of 6.12 metres (20.08 feet) more or less, along the westerly limits of Sherman Avenue North, containing an area of 173.2 square metres (1,864.4 square feet) more or less, known municipally as 403 Sherman Avenue North, be approved and completed and the total compensation of \$61,400.77 (\$55,923.35 having already been paid to the former owner on November 4, 1993) be charged to Account No. CF 5590 308750001 (Land Acquisition - Enclave Clearance Program).
- b) That the Mayor and City Clerk be authorized and directed to execute the Agreement on behalf of the City.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

In July 1987 City Council approved an allocation of \$3,000,000 for the Alpha Enclave Clearance Program.

The overall cost for the settlement of this expropriation including the appropriate interest, legal fees and all other claims to damages is \$61,400.77. The amount owing is derived as follows:

|  |                    |
|--|--------------------|
| Gross Cost                             | \$61,400.77        |
| Less monies paid on<br>1993 November 4 | <u>55,923.35</u>   |
| <b>Amount Outstanding</b>              | <b>\$ 5,477.42</b> |

**BACKGROUND:**

The subject property is located within the Alpha West Residential Enclave. The expropriation and acquisition of this property is in conjunction with the Residential Enclave Clearance Program initiated for the purpose of purchasing and the demolishing primarily residential dwellings located in the older industrial zoned sectors of the north/east part of the City.

On 1989 June 27, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the property at 403 Sherman Avenue North was registered on title 1990 March 5 as Instrument No. 38851.

KN/nw  
Attach.

c.c. P. Noé Johnson, City Solicitor, Law Department  
Attention: J. Lessing

Allan C. Ross, Treasurer, Treasury Department

C. Bandurka, Property Clerk, Surveys, Roads Department



Note: This is not a Legal Document For zoning verification please contact the City Building Department

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment

81  
69 70 71  
95 48 126

## INDUSTRIAL SECTOR "B" AND KEITH

EXISTING ZONING

This is not a Legal Document  
For Zoning Verification Please  
Contact City Building Department.



AGREEMENT BY OWNER TO ACCEPT COMPENSATION

To: The CORPORATION OF THE CITY OF HAMILTON

I/We DONALD ARNOTT, hereby agree to accept the sum of \$61,400.77, as set out in Schedule "A" hereto attached, from The Corporation of the City of Hamilton in full payment and settlement of compensation for all interests in the real property known as Municipal No. 403 Sherman Avenue North shown on Expropriation Plan No. 38851 as Parts 1, 2 and 4, together with a right-of-way over Part 3, registered on the 5th day of March, 1990 as Instrument No. 38851.

I/We further agree that the aforesaid sum shall include all claims for damages, costs, injurious affection or any other claim whatsoever arising out of the expropriation of the said real property.

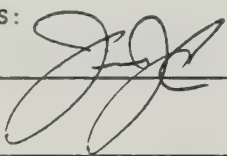
I/We agree that the said compensation monies will be subject to the usual adjustments, except for fire insurance premiums, as of the date for closing hereof, namely the 7th day of December, 1993.

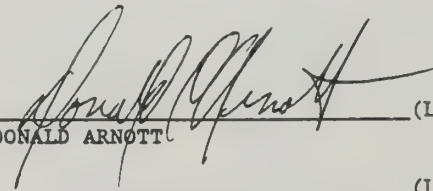
I/We acknowledge that I/we have deliver(ed) vacant possession of the said lands on February 13, 1991 and that I/we shall also deliver on the date for closing, a deed, discharges of all encumbrances (including Writs of Execution) in existence before or after the Expropriation, and a release in a form satisfactory to you executed by all persons or corporations having any claim to compensation by reason of the said expropriation and a statutory declaration in a form satisfactory to you setting forth the fact that the persons and/or corporations executing the said discharges and release are all those having any claim to compensation.

This agreement is to remain open until acceptance by City Council and is to be read with all grammatical changes made necessary by the gender, number or corporate status.

Dated at Hamilton, Ontario this 15th day of November 19 93 .

WITNESS:

  
\_\_\_\_\_

  
DONALD ARNOTT (L.S.)  
\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

Solicitor's Name and Address

Mailing Address of Signing Parties

Mr. Fred J. Lee, c/o Evans, Husband

\_\_\_\_\_

901-20 Hughson Street South

\_\_\_\_\_

Hamilton, Ontario L8N 2A1

\_\_\_\_\_

SCHEDULE "A"

Property

Owner's Interest

403 Sherman Avenue North  
Hamilton, Ontario  
(Parts 1, 2 and 4, together with  
a right-of-way over Part 3 on  
Expropriation Plan No. 38851)

DONALD ARNOTT

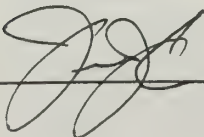
Elements of Compensation

|  |             |   |
|--|-------------|---|
| Market Value of Realty                       | \$50,000.00 | (which was paid to Donald Arnott on November 4, 1993) |
| Interest on Market Value of Realty           | 5,923.35    | (which was paid to Donald Arnott on November 4, 1993) |
| Owner's Time and all other claims to damages | 950.00      |   |
| Legal Expenses                               | 4,527.42    |   |
| TOTAL COMPENSATION                           | \$61,400.77 |   |

It is understood and agreed that the amount of \$61,400.77 is full and final compensation, interest and cost whatsoever which Donald Arnott might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 403 Sherman Avenue North, Hamilton (Parts 1, 2 and 4, together with a right-of-way over Part 3).

Dated at Hamilton, Ontario this 15th day of November 19 93

WITNESS:

  
DONALD ARNOTT

PART OF LOT 9 CONCESSION 1  
IN THE

SCALE - 1 : 200

1890

TOWNSHIP OF BARTON

LOT 9  
CONCESSION 1

INST. 471117C.D.

PLAN 63R-10267  
PART 2  
PART 2  
5330"E 0.634

PART 3  
PART 3, 62R-10267

SOUTHEAST CORNER OF  
RESERVE. REC'D PLAN 547

INOT. 34,3935C.D,

PART 4  
PLAN 62R-10267  
PART 4

N21° 04' 25" E 6.131'

PLAN AND MEAS

8.120

N17° 53' 30" E

WST. 363054 C.D.

7.291

0.884

N72° 21' 45" W  
PLAN AND SET

N72-27457

N17-53'30"E 0.634  
INST. 363054C.D.,PLAN AND MEAS.

27.432 INST. 363054C.D. PLAM AND WEAS  
N72-214574 20.141 INST. 363054C.D. AND

MEAS | N17°53'30"E 0.834  
| INST. 383054C.D., PLAN AND SET

8.120  
HIST. 363054 C.D.  
PLAN AND MEAS.

3'30"E (REFERENCE BEARING)

AVENUE REGIONAL ROAD N.174

WANCE BETWEEN LOTS 8 AND 9

Sherman Avenue North

|    |  |                    |                 |                      |
|----|--|--------------------|-----------------|----------------------|
| 1. | 363064C.D.<br>RIGHT OF WAY               | PART<br>OF         | CONCESSION 1    | 166.1 m <sup>2</sup> |
| 2. |  |                    |                 | 12.8 m <sup>2</sup>  |
| 3  | 471117C.D. RIGHT OF WAY<br>IN 363034C.D. | 9                  |                 | 12.8 m <sup>2</sup>  |
| 4  | 343038C.D.                               | PART OF<br>RESERVE | REG'D. PLAN 547 | 5.3 m <sup>2</sup>   |

I CERTIFY THAT THIS PLAN IS  
REGISTERED IN THE LAND REGISTRY  
OFFICE FOR THE REGISTRY  
DIVISION OF WENTWORTH (82)  
AT 4:02 O'CLOCK PM ON THE  
5<sup>th</sup> DAY OF MARCH 1980

21 m adw  
LAND REGISTRAR



Ca)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 18

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Touzel, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Funding for Non-Profit Housing - Letters to Ministry of  
Housing and Culture, Tourism and Recreation

**RECOMMENDATION:**

- (a) That a letter be sent to the Minister of Housing and the Minister of Culture, Tourism and Recreation requesting the co-operation of the two Ministries in co-ordinating funding for Non-Profit Housing so that funds can be put towards the improvement of the neighbourhood streetscape and not result in the demolition of listed and designated heritage buildings; and
- (b) That a letter be sent to the Minister of Housing Requesting that the Province consult with the City regarding proposed Non-Profit Housing Projects before the funding is approved.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

*jm. C. ft.*  
*Charlene Touzel*

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee at its meeting held 1993 October 18 raised concerns respecting the existing funding system for Non-Profit Housing projects.

At present, the Ministry of Culture, Tourism and Recreation provides funding for the preservation of designated buildings, while the Ministry of Housing provides funding for Non-Profit Housing projects which can include the demolition of existing buildings which may be deemed to be worthy of designation pursuant to the provisions of the Ontario Heritage Act. Examples of this include 14-24 Charlton Avenue West and St. Marks Anglican Church.



Representatives from various neighbourhood groups have already met with the Honourable David Christopherson to express their concerns in this regard, and it was suggested that the efforts of both Ministries be co-ordinated to ensure the preservation of historically and/or architecturally significant buildings in the City of Hamilton.

It was also suggested that the Province consult with the City before approving funding for Non-Profit Housing projects so that the City can provide input on the application and provide the Ministry with a list of properties that would be better suited for Non-Profit Housing when heritage buildings in our community are threatened.

cc: Victor Abraham, Director of Local Planning  
Nina Chapple, Planning Department  
Mark Mascarenhas, Municipal Non-Profit (Hamilton) Housing Corporation

Cb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 16

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Touzel, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Hamilton Court House - Letter of Support to Premier  
and Attorney General

RECEIVED

NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**

That a letter be sent to the Honourable Bob Rae, Premier of Ontario and the Honourable David Christopherson, Attorney General, supporting the allocation of funds for the completion of the consolidated Hamilton Court House to be located at 10 John Street South, a designated building in the City of Hamilton.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

*C. Touzel*

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee at its meeting held 1993 November 15 was pleased to hear that funding in the amount of \$64,000,000. has been approved by the provincial government for the consolidated Court House project in Hamilton.

The Court House, which will result in a major improvement to the Court System in Ontario, will be located at 10 John Street South, a designated building in the City of Hamilton and is an excellent example of reuse of heritage buildings and will act as a catalyst to the revitalization of the commercial area in the downtown core.

Premier Rae indicated that this project which is scheduled to begin in 1994 January and be completed by the fall of 1996, will create 1,000 new jobs in our community.

cc Victor Abraham, Director of Local Planning  
Nina Chapple, Planning Department



Dadil

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** October 29, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

RECEIVED

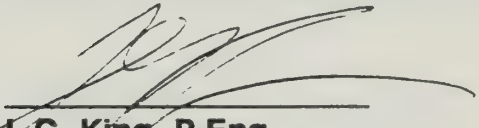
**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.)(93.2.4.2.1.A)

NOV 1 1993

**RECOMMENDATION:**

CITY CLERKS

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and sixty six, (\$1,466) be approved for Grace Williams, 94 Edinburgh Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

  
\_\_\_\_\_  
L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Mrs. G. Williams, 94 Edinburgh Avenue in the amount of \$1,466. The roof has been replaced and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,466 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury  
D. Powers, Law Department





Daiii

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 12, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

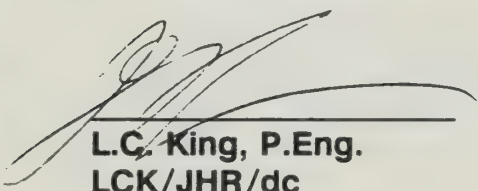
**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME CITY CLERKS  
(H.E.L.P.)(93.2.4.2.1.A)

RECEIVED

NOV 16 1993

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand nine hundred and eighty (\$1,980) be approved for Susan Underhill, 10 Huron Street. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Ms. S. Underhill, 10 Huron Street in the amount of \$1,980. The basement wall has been repaired, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$910 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury  
D. Powers, Law Department



Da)iii

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 12, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.)(93.2.4.2.1.A)

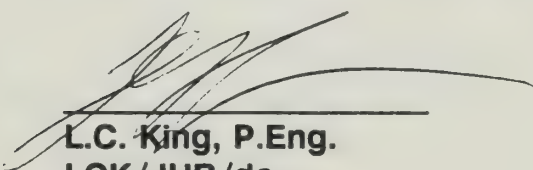
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NOV 16 1993

CITY CLERKS

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and fifty (\$1,350) be approved for Yat Lee, 50 Barton Street East. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate Assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Yat Lee, 50 Barton Street East in the amount of \$1,350. The furnace has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$910 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury  
D. Powers, Law Department





Dadiv

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 12, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.)(93.2.4.2.1.A)

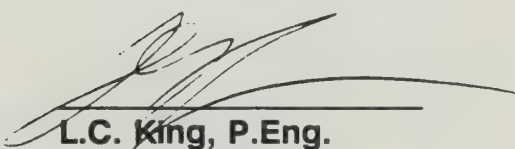
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NOV 16 1993

CITY CLERKS

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand six hundred and five (\$1,605) be approved for Herbert Wodehouse, 1A Roanoke Place. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate Assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Mr. H. Wodehouse, 1A Roanoke Place in the amount of \$1,605. The roof has been repaired, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$910 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury  
D. Powers, Law Department



061

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 1, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** COMMERCIAL LOAN PROGRAMME  
201 OTTAWA STREET NORTH (93.2.4.2.1.A)

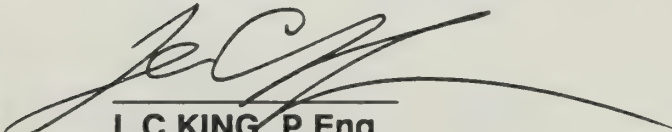
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NOV 2 1993

CITY CLERKS

**RECOMMENDATION:**

That a Commercial Loan in the amount of nine thousand, four hundred and fifty-five (\$9,455) be approved for Dan Kwiatkowski. The interest rate will be 2 7/8 per cent amortized over ten (10) years.



L.C.KING, P.Eng  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**

**BACKGROUND:**

The owner of 201 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Dan Kwiatkowski for improvements to 201 Ottawa Street North in the amount of \$9,455. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$90.76 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department  
D. Powers, Legal Department





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**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** November 12, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**138 PARK STREET NORTH - Tag Number 90847**  
(93.1.1.A)

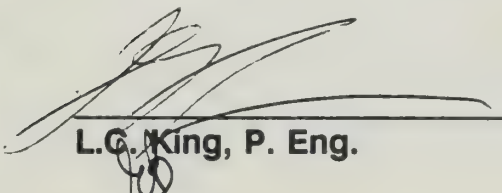
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NOV 16 1993

CITY CLERKS

**RECOMMENDATION:**

**That the Building Commissioner be authorized to issue a demolition permit for 138 PARK STREET NORTH.**



L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "H" Commercial

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** 1 storey wood frame house

The owner wishes to demolish the house which our Inspector reports is in poor condition. The land will remain vacant. No LACAC interest. Lot size 36' x 100'.

The owner of the property as per the demolition permit is:

James Marchese  
59 Dundurn Street North  
Hamilton, Ontario



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CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** November 12, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**6 DUNRAVEN AVENUE - Tag Number 90852**  
(93.1.1.A)

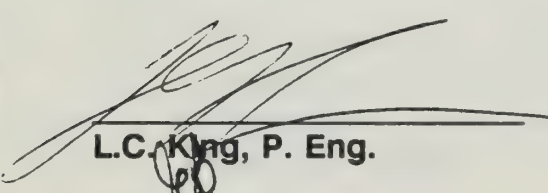
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NOV 16 1993

CITY CLERKS

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**6 DUNRAVEN AVENUE.**



L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C" Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** 1½ storey wood frame dwelling

Owner wishes to demolish the house which our Inspector reports requires extensive exterior work. The owner has not informed us of any new use on the land. No LACAC interest. Lot size 80' x 247'.

The owner of the property as per the demolition permit is:

Ministry of Transportation  
c/o Management Board Secretariat  
P.O. Box 40  
Jarvis, Ontario





Ea)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 16  
(File No. 25CDM-93004)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Draft Plan of Condominium  
"Limeridge Garden Terraces"

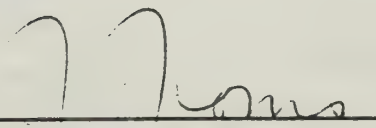
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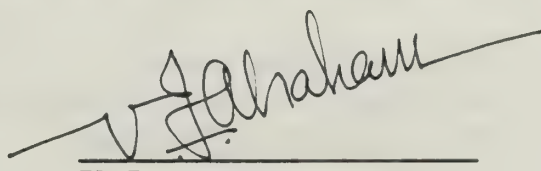
NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**

- A. That approval be given to application 25CDM-93004, Shoreline Gardens Limited, owner, to establish a draft plan of condominium located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street, subject to the following condition:
- (a) That this approval apply to the plan prepared by Bryan Jacobs, O.L.S., and date stamped 1993 April 8, showing 12 residential units in a 3-storey building.
- B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.

  
\_\_\_\_\_  
**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning & Development Department**

  
\_\_\_\_\_  
**V. J. Abraham, M.C.I.P.**  
**Director**  
**Local Planning Branch**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

### Proposal:

The owner is proposing to construct a 3-storey building containing 12 residential units as a condominium project.

### Location:

The property, known municipally as No. 266 Limeridge Road East and having frontage of 222.555m (74 ft.) and lot depth of 77.419m (254 ft.), is located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street in the Bruleville Neighbourhood (location plans attached as Appendix 1 and 2).

### **Existing Development Control:**

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal would comply.

Hamilton Official Plan - the lands are designated "Residential". The proposal would comply.

Neighbourhood Plan - the lands are designated "Low Density Apartments". The proposal would comply.

Zoning - the lands are zoned "DE-3/S-1133" which permits a total of 12 dwelling units. The proposal would comply.

Niagara Escarpment Plan - the lands are not located within the Development Control Areas.

### **Comments from Circulation:**

The following agencies have either no comment or objection to the approval of this application:

- The Building Department
- Bell Canada, Union Gas, Hamilton and Ontario Hydro
- Hamilton Board of Education

The following agencies have provided the following comments:

- The Traffic Department has advised that:

*"The plan submitted with this application shows the width of the loading space as 3.7m. The site plan was approved with the loading space being 4.0m wide. We request that the plan be modified to reflect the dimensions shown on the approved plan."*

- The Roads Department has provided the following comments:

"FOR INFORMATION

- 1) *Public watermains, storm and sanitary sewers are available on Limeridge Road East to service the proposed development.*
- 2) *The Region will not require any lands from the applicant for berm easements, adjacent to the freeway lands, as lands have already been acquired by the Region.*

RECOMMENDATIONS

*There are no conditions required.*

*The submitted plan as prepared by Bryan Jacobs, O.L.S. and stamped with the date 1993 April 8 is satisfactory to the Transportation/Environmental Services Group."*

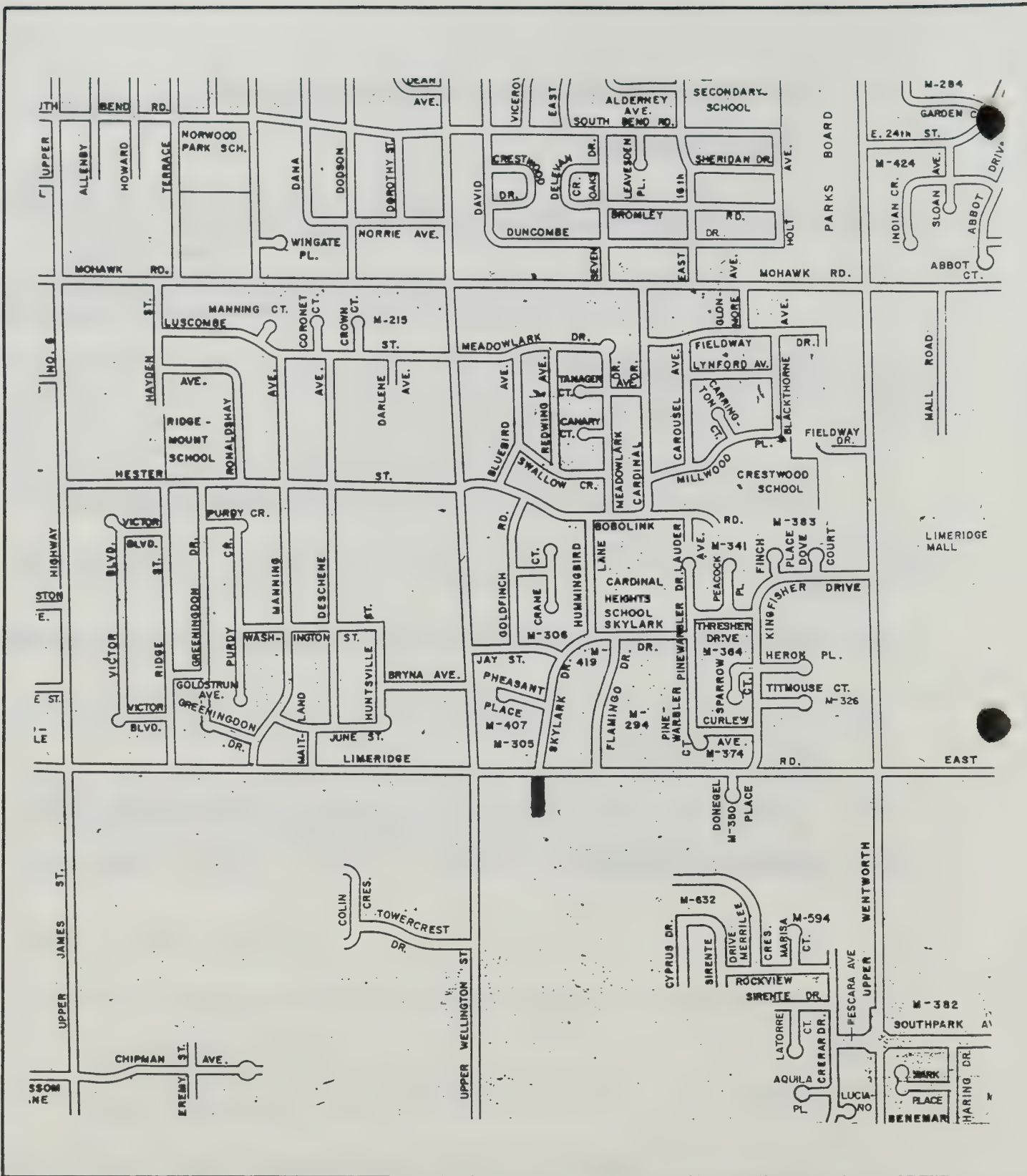
**COMMENT:**

- (1) The proposal complies with the Official Plan, Neighbourhood Plan, and the Zoning By-law.
- (2) This application is related to Site Plan Control application DA-92-12 which was approved on September 24, 1992.
- (3) Regarding the comments from the Traffic Department, the loading space provided in the draft plan reflects the dimension shown in the approved Site Plan. Therefore, no further revisions are required.

RL/LL  
Attach.

condo\93004.rep





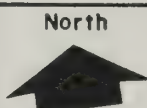
## LIMERIDGE GARDEN TERRACES

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



SITE OF THE APPLICATION



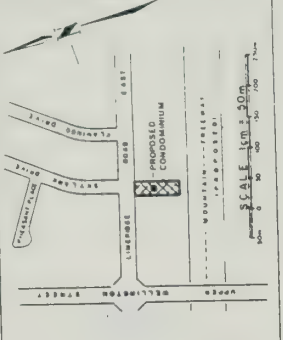
Scale  
N.T.S.

Date  
NOVEMBER, 1993

Reference File No.  
25CDM-93004

Drawing No.

KEY PLAN



**DRAFT PLAN OF  
PART OF LOT 12  
CONCESSION 7**  
(GEOGRAPHIC TOWNSHIP OF BARTON)  
BEING A PROPOSED CONDOMINIUM IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH

SCALE 1:1 = 250m

CONSOLI B JACOBS SURVEYING LTD  
CONSOLI B JACOBS LAND SURVEYORS  
1993

**BEARING NOTE:**  
ALL BEARINGS AND AREAS REFERRED TO IN THIS PLAN ARE BASED ON THE 1983 NAD 83 DATUM. THE SOUTHERLY LIMIT OF LIMERIDGE ROAD EAST IS APPROXIMATELY 107.15 M.

**LEGEND:**  
--- SURVEY MONUMENT PLANTED  
--- STANDARD MONUMENT  
--- 1/2" 1/4" 3/8" 1/2" 3/4" 1" 1 1/4" 1 1/2" 1 3/4" 2" 2 1/4" 2 1/2" 2 3/4" 3" 3 1/4" 3 1/2" 3 3/4" 4" 4 1/4" 4 1/2" 4 3/4" 5" 5 1/4" 5 1/2" 5 3/4" 6" 6 1/4" 6 1/2" 6 3/4" 7" 7 1/4" 7 1/2" 7 3/4" 8" 8 1/4" 8 1/2" 8 3/4" 9" 9 1/4" 9 1/2" 9 3/4" 10" 10 1/4" 10 1/2" 10 3/4" 11" 11 1/4" 11 1/2" 11 3/4" 12" 12 1/4" 12 1/2" 12 3/4" 13" 13 1/4" 13 1/2" 13 3/4" 14" 14 1/4" 14 1/2" 14 3/4" 15" 15 1/4" 15 1/2" 15 3/4" 16" 16 1/4" 16 1/2" 16 3/4" 17" 17 1/4" 17 1/2" 17 3/4" 18" 18 1/4" 18 1/2" 18 3/4" 19" 19 1/4" 19 1/2" 19 3/4" 20" 20 1/4" 20 1/2" 20 3/4" 21" 21 1/4" 21 1/2" 21 3/4" 22" 22 1/4" 22 1/2" 22 3/4" 23" 23 1/4" 23 1/2" 23 3/4" 24" 24 1/4" 24 1/2" 24 3/4" 25" 25 1/4" 25 1/2" 25 3/4" 26" 26 1/4" 26 1/2" 26 3/4" 27" 27 1/4" 27 1/2" 27 3/4" 28" 28 1/4" 28 1/2" 28 3/4" 29" 29 1/4" 29 1/2" 29 3/4" 30" 30 1/4" 30 1/2" 30 3/4" 31" 31 1/4" 31 1/2" 31 3/4" 32" 32 1/4" 32 1/2" 32 3/4" 33" 33 1/4" 33 1/2" 33 3/4" 34" 34 1/4" 34 1/2" 34 3/4" 35" 35 1/4" 35 1/2" 35 3/4" 36" 36 1/4" 36 1/2" 36 3/4" 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Eb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 11  
(CDM-CONV-H-9302)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Draft Plan of Condominium  
293 Limeridge Road West,  
M. and A. Singh, Applicant

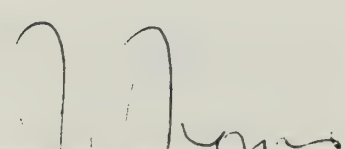
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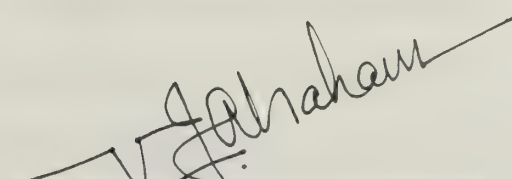
NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**

- a) That the proposed plan of condominium prepared by J.D. Barnes Limited on behalf of M. and A. Singh, owners, dated June 9, 1993, showing 15 residential units at No. 293 Limeridge Road West, be draft approved;
- b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
- c) That the Mayor and the City Clerk be authorized to sign the final plan once the owner has fulfilled the requirements under the Rental Housing Protection Act.

  
\_\_\_\_\_  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department

  
\_\_\_\_\_  
V.J. Abraham, M.C.I.P.  
Director  
Local Planning Branch



## **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

### **Proposal:**

The owner is proposing to convert an existing rental townhouse development comprising of 15 residential units into a condominium project.

### **Location:**

The property is located on the south-side of Limeridge Road West, between West Fifth Street and Garth Street, in the Rolston Neighbourhood.

### **Existing Development Controls:**

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan: - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan and Zoning By-law - the lands are designated "Attached Housing" in the approved Rolston Neighbourhood Plan and zoned "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.). The proposal complies.

Rental Housing Protection Act - On April 27, 1993, City Council in adopting Section 4 of the 8th. Report of the Planning and Development Committee, approved Application CD-92-002 under the Rental Housing Protection Act, to convert 293 Limeridge Road West to condominium subject to the owners obtaining a Certificate of Approval from the City Clerk. Under the Rental Housing Protection Act, final approval of the plan of condominium is subject to the applicant fulfilling the legislative requirements under the Rental Housing Protection Act. The owner is presently negotiating an agreement with the City.

### **Circulation Comments Received:**

The following agencies have responded and have either no comment or objection to the proposal:

- Ontario Hydro (Toronto and Hamilton)
- Union Gas
- Bell Canada
- City of Hamilton Traffic Department
- City of Hamilton Building Department

The Hamilton-Wentworth Roads Department has submitted the following comments:

"FOR INFORMATION

1. *Public storm and sanitary sewers as well as watermain are available on Limeridge Road West to service the proposed lands and are adequate for the development.*
2. *The existing right-of-way along the east limit of the property is in the process of being discharged.*

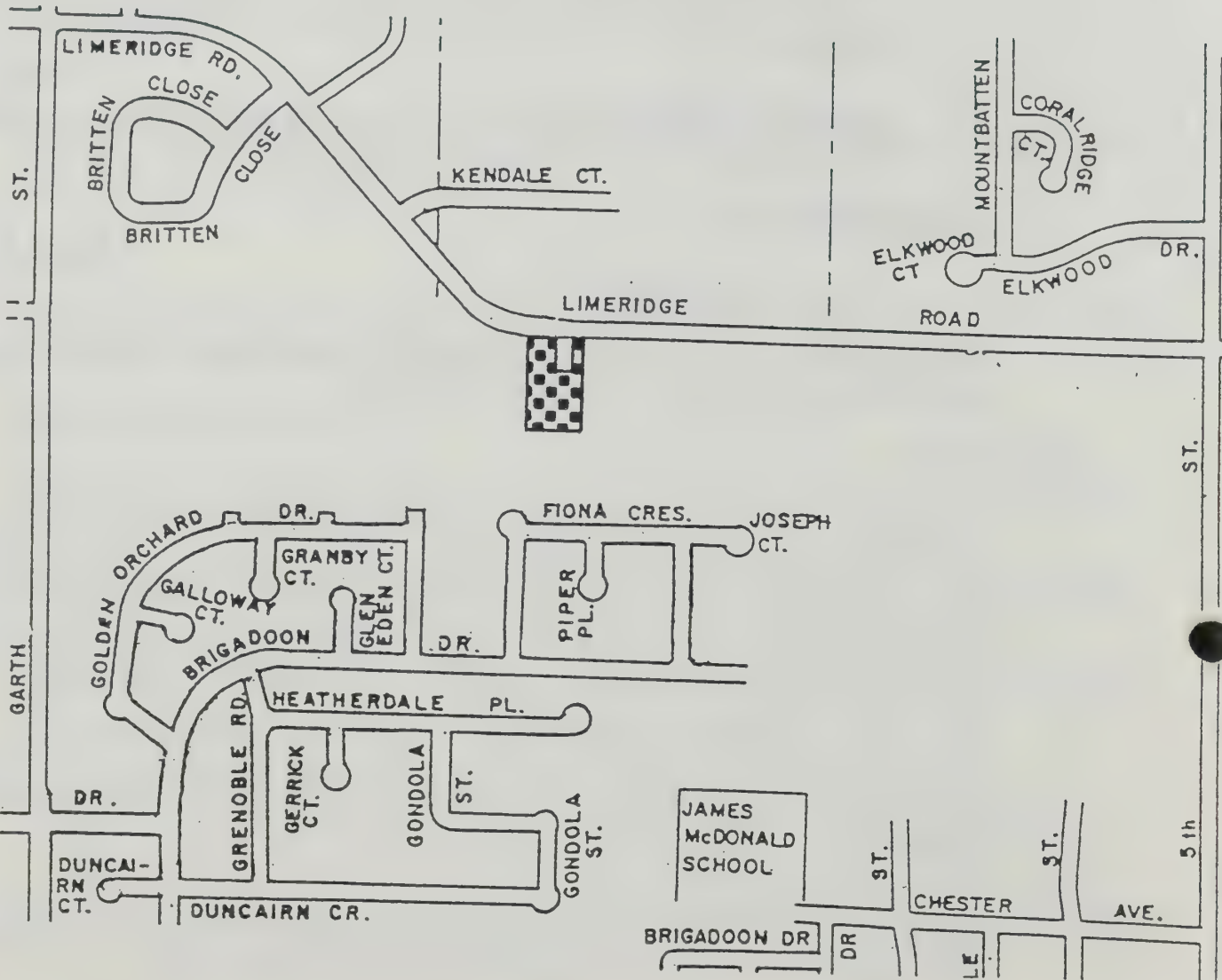
RECOMMENDATIONS

*There are no conditions required.*

*The submitted plan as prepared by S.J. Balaban, O.L.S. dated June 9, 1993 is satisfactory to the Transportation/Environmental Services Group."*

**COMMENTS:**

1. The proposal to convert the 15 existing rental housing units to condominium is subject to the requirements under the Province's Rental Housing Protection Act. On April 27, 1993, the applicant successfully obtained Council's approval to remove the units from the rental housing stock and is now seeking Council's approval to establish a draft plan of Condominium which would enable the applicant to legally subdivide the property.
2. Prior to the issuance of a Certificate of Approval from the City of Hamilton, the applicant must register on title, an agreement pursuant to the Rental Housing Protection Act. The Law Department is presently pursuing finalization of the approval agreement with the applicant.
3. While there were no objections received to the approval of this application, final approval should not be given until the requirements under the Rental Housing Protection Act have been satisfied and a certificate of approval has been issued by the City.



# PART OF LOT 17, CON. 7 CITY OF HAMILTON.

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



PROPOSED CONDOMINIUM

North



Scale

1"=1000'

Reference File No.

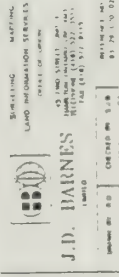
QDM-CONV-H-9302

Date

JUNE, 1993

Drawing No.

T.A.



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Ec)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 2  
(PLC-H-93-6)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Application to remove part-lot control from Lot 1, and from  
Lots 4 to 14 inclusive, "Claudette Gardens, Phase 4"  
subdivision.

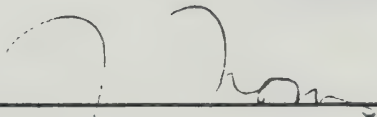
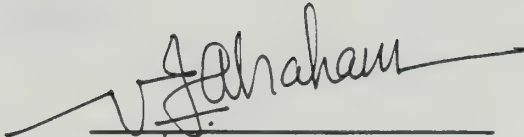
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NOV 17 1993

CITY CLERKS

**RECOMMENDATION:**

- a) That the request of David A. Elliot, Solicitor for 800064 Ontario Limited, to remove part-lot control from Lot 1, and from Lots 4 to 14 inclusive, "Claudette Gardens, Phase 4" plan of subdivision, 62M-746, be approved;
- b) That the attached by-law to remove part-lot control from Lot 1 and from Lots 4 to 14 inclusive, "Claudette Gardens, Phase 4" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

  
\_\_\_\_\_  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department  
\_\_\_\_\_  
V. J. Abraham, M.C.I.P.  
Director  
Local Planning Branch

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Proposal

The applicant, David A. Elliot, Solicitor for 800064 Ontario Limited, is proposing to establish maintenance easements for 12 small lots by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on, or adjacent to, the lot-line.

Location

The lands are located to the north of Rymal Road West and east of Garth Street, in the Falkirk East Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles office. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

RM/LL

Attach.



CONTAINED PLAN OF  
**LOT 1 AND LOTS 4 TO 14 INCLUSIVE**  
**CLAUDETTE GARDENS - PHASE 4**  
 REGISTERED PLAN 62M-7

IN THE  
**CITY OF HAMILTON**  
 REGIONAL MUNICIPALITY OF  
 HAMILTON - WENTWORTH  
 SCALE 1 : 600

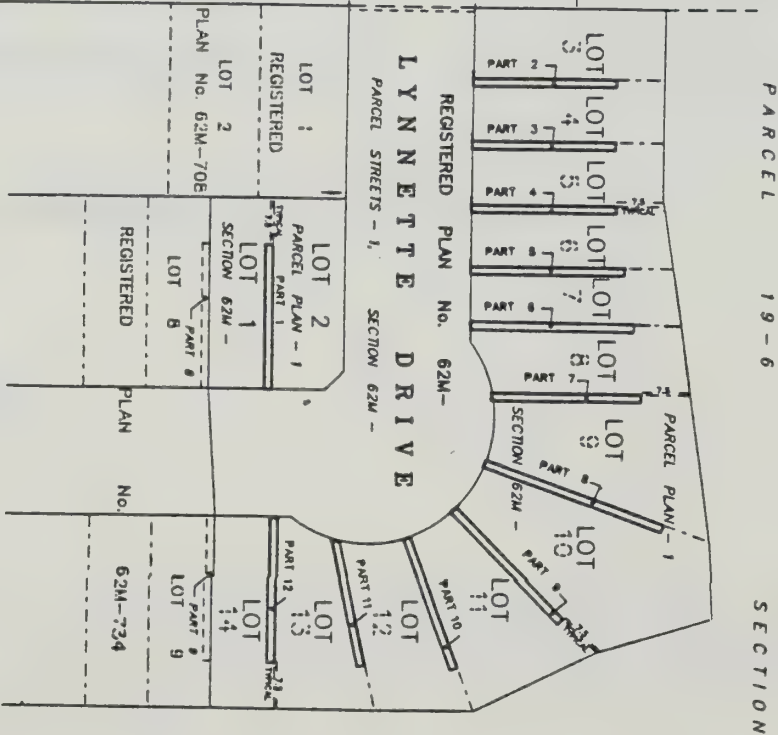
J.P. WOOLLEY SURVEYING  
 1983



CAUTION : THIS IS NOT A PLAN OF SUBDIVISION  
 WITHIN THE MEANING OF THE PLANNING  
 ACT.

# CLAUDETTE GATE

REGISTERED PLAN No. 62M-679



SECTION 62M-734  
 PART 1 PLAN 62R-11593  
 LOT 1  
 CONCESSION 8

I REQUIRE THIS PLAN TO  
 BE DEPOSITED UNDER  
 THE LAND TITLES ACT.

DATE: \_\_\_\_\_

RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_

LAND REGISTRAR FOR THE  
 LAND TITLES DIVISION OF  
 WENTWORTH (No. 62)

PARCELS 1 TO 12 INCLUSIVE PART OF PARCEL PLAN-1, SECTION 62M-734  
 PARCELS 1 TO 12 INCLUSIVE SUBJECT TO AN EASEMENT AS SET OUT IN LOT

EACH PART IS ENTIRELY WITHIN  
 THE LOTS SHOWN ON THIS SCHEDULE

| PART | LOT ON PLAN | PERPENDICULAR WIDTH |
|------|-------------|---------------------|
| 1    | 1           | 12 METRES           |
| 2    | 2           | 12 METRES           |
| 3    | 3           | 12 METRES           |
| 4    | 4           | 12 METRES           |
| 5    | 5           | 12 METRES           |
| 6    | 6           | 12 METRES           |
| 7    | 7           | 12 METRES           |
| 8    | 8           | 12 METRES           |
| 9    | 9           | 12 METRES           |
| 10   | 10          | 12 METRES           |
| 11   | 11          | 12 METRES           |
| 12   | 12          | 12 METRES           |

CURVE TABLE

| PART | BEARING         | ARC   | CHORD |
|------|-----------------|-------|-------|
| 7    | N 82° 03' 00" W | 1.218 | 1.218 |
| 8    | N 51° 15' 00" W | 1.202 | 1.201 |
| 9    | N 28° 07' 05" W | 1.202 | 1.201 |
| 10   | N 1° 13' 00" W  | 1.202 | 1.201 |
| 11   | N 32° 08' 05" E | 1.346 | 1.345 |

NOTE  
 ALL PARTS EXTEND FROM STREET LINE TO A POINT  
 175 METRES FROM THE MOUTH OF THE LOT.

METRIC  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1) THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED  
 FROM REGISTERED PLAN 62M-

July 21, 1983  
 J.P. Woolley  
 J.P. WOOLLEY B.Sc.  
 ONTARIO LAND SURVEYOR



J.P. WOOLLEY SURVEYING  
 125 NAIRNE STREET CALEDONIA, ONTARIO  
 NOA 1A0 PHONE 1-(416)-785-0181

DRAWN BY J.P.W. CHECKED BY J.P.W. PROJECT No. 83-208-11

The Corporation of the City of Hamilton

BY-LAW NO. 93-

**To Remove  
Land within the Claudette Gardens, Phase 4 Subdivision, Plan 62M-746  
from Part Lot Control**

**WHEREAS** subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lot 1 and from Lots 4 to 14 inclusive, within Registered Plan Number 62M-746 in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

**PASSED**

this day of

A.D. 1993.

**CITY CLERK**

**MAYOR**

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this      day of      1993.

\_\_\_\_\_  
Commissioner of Planning and Development of  
The Regional Municipality of Hamilton-Wentworth



F.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 17

**REPORT TO:** Members of the Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** INFORMATION ITEMS

**RECOMMENDATION:**

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) City Solicitor Re: Recent Administrative Tribunal Update - OMB, dated 1993 November 2
- (b) Commissioner of Planning and Development Re: Approved Site Plan Control Applications dated 1993 October 16
- (c) Lynda Morris Re: Retrofitting of Central Business District Facilities for Physically Challenged dated 1993 November 15.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A





URBAN/MUNICIPAL

CA4 ON HBL A05  
C SIP4  
1993



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

1993 December 1

## NOTICE OF MEETING

### PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 December 8  
9:30 o'clock a.m.

Council Chambers, City Hall

GOVERNMENT DOCUMENTS

*Tina Agnello*

Tina Agnello, Secretary  
Planning and Development Committee

### A G E N D A:

9:30 O'CLOCK A.M.

### PUBLIC MEETINGS

1. Amendment to the Official Plan and Zoning Application 93-31, Investland Corporation Limited, owner, for a modification to the established "JJ" District (Block "1") and "KK" District (Block "2") regulations, for lands located at No. 8 Burford Road; Grayside Neighbourhood

#### Submissions:

- (a) Jack Scholtens, President, Triple-C-Inc., 8 Burford Road, Hamilton
- (b) Charles J. Kasner, 101 Duncan Mill Road, Suite 408, Don Mills
- (c) Karen Fraser, CN North America, 277 Front Street West, Suite 503, Toronto



2. Amendment to the Official Plan and Zoning Application 93-28, Hamilton-Wentworth Roman Catholic Separate School Board, prospective owner, for a change in zoning from "J" District, modified to "DE-3" District, modified, for lands located at No. 30 Wentworth Street North (formerly known as 687 King Street East); Gibson Neighbourhood
3. Proposed Walkway Closure between 61 and 62 Harbottle Court and Block 108 between Lots 9 and 10 - Draft Plan Orchard Park Estates; Gourley Neighbourhood

**9:45 O'CLOCK A.M.**

4. Zoning Application 93-17, Latco (1986) Developments Limited, owner, for a further modification to the "E" District regulations, for lands located at No. 85 Robinson Street; Durand Neighbourhood

**Submissions:**

- (a) Frederick T. J. Potter, 904-92 Robinson Street, Hamilton dated 1993 September 13
- (b) Frederick T. J. Potter, 904-92 Robinson Street, Hamilton dated 1993 November 24
- (c) E. J. Fothergill per Latco Developments, 135 James Street South, Hamilton
- (d) Petition - Various residents on Herkimer and Park Street South, Hamilton
- (e) F. H. Brennian, 39 Duke Street, Level 1, Hamilton
- (f) Patricia J. Baker, 43 Duke Street, Unit 2, Hamilton
- (g) Frances & Peter Flaherty, 49 Robinson Street, Suite 401, Hamilton
- (h) Leo B. Millar, 49 Robinson Street, #600, Hamilton
- (i) Dr. Stephen Lloyd, 39 Duke Street, Unit 3, Hamilton
- (j) Marvin R. Sheppard, President, Durand Neighbourhood Assoc., 104 Aberdeen Avenue, Hamilton
- (k) Mark E. Skuse, 3-41 Duke Street, Hamilton





5. **DIRECTOR OF PUBLIC WORKS**

1994-2003 Provisional Capital Budget: Community Renewal Section

6. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Zoning Application 93-38, removal of "H" (Holding) symbol - 796 Upper Gage Avenue
- (b) Capital Budget Submission from Local Planning Branch Acquisition Program - Alpha East Enclave
- (c) City of Hamilton Response - Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan

7. **ADVISORY COMMITTEE ON GO TRANSIT**

Proposed GO Transit, Victoria Avenue Layover Yard - Comments on Final Report

8. **CONSENT AGENDA**

9. **CONFIDENTIAL AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT.**



## PLANNING AND DEVELOPMENT COMMITTEE

### OUTSTANDING LIST

| Item No. | Item   | Original Date    | Action   | Status  |
|----------|--|------------------|--|---|
| 1.       | Mobile Signs   |                  | Planning   | Report Pending  |
| 2.       | C.I. 90-F - Parking requirements in the Central Business District                                      | 1990 July 25     | Planning   | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee |
| 3.       | Site Plan Control Application DA-91-50 45 Hempstead Drive  | 1992 January 8   | Planning   | Tabled - Applicant directed to proceed through Committee of Adjustment  |
| 4.       | ZA-91-12 - 25 Hess Street South  | 1992 June 24     | Applicant  | Tabled for negotiations between parties   |
| 5.       | ZA-92-03 - 212 James Street South  | 1992 June 24     | Applicant Harper Brothers Holdings                   | Tabled to submit amended application  |
| 6.       | Definition of "Foster Home" and "Residential Care Facility"  | 1992 November 18 | Alderman T. Cooke                                    | Planning & Building Departments to prepare a report   |
| 7.       | Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots                         | 1993 February 3  | Alderman H. Merling                                  | Tabled to allow previous Sub-Committee to review matter   |
| 8.       | Implementation of Public Participation Policies - Central Area Plan                                    | 1993 March 24    | Planning   | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11  |
| 9.       | Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods | 1993 July 21     | Planning & Traffic                                   | Tabled to allow review by Staff   |
| 10.      | Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools                           | 1993 October 6   | Building Commissioner and Director of Local Planning | Report Pending  |





| <b>Item No.</b> | <b>Item</b>   | <b>Original Date</b> | <b>Action</b>                       | <b>Status</b>                                    |
|-----------------|---|----------------------|-------------------------------------|--|
| 11.             | Closure of Walkway between Fonthill Road and Upper Paradise Road            | 1993 November 3      | Transport and Environment Committee | Awaiting recommendation on assumption of walkway |
| 12.             | Review of Parking Lot Regulations - Minimum lighting requirement for safety | 1993 November 3      | Planning                            | Report Pending                                   |
| 13.             | Site Plan DA-93-31: Taco Bell, 460 Main Street West                         | 1993 November 3      | Transport and Environment Committee | To report back on assumption of Alleyway         |

Tina Agnello, Secretary  
1993 December 1



1.  
RECEIVED

DEC 8 1 1993

12:30 P.M.

CITY CLERKS

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 29  
ZAR-93-31  
Grayside Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and a modification  
in zoning - 8 Burford Road

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to establish a new Special Policy Area to permit "retail warehouses" within the Industrial designation and to prohibit access from the subject lands onto South Service Road, for property known as 8 Burford Road, and that the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to Zoning Application 93-31, Investland Corporation Limited, prospective owner, for a modification to the existing "JJ" (Restricted Light Industrial) District regulations (Block "1"), and the "KK" (Restricted Heavy Industrial) District regulations (Block "2"), to permit retail warehouse(s), on lands known as 8 Burford Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the By-law apply the holding provisions of Section 36(1) of the Planning Act, to the subject lands (Blocks "1" and "2"), by introducing the holding symbol 'H' as a suffix to the Zoning Districts which will prohibit the development of the subject lands until:



- a) the applicant completes a traffic impact analysis to the satisfaction of the Ministry of Transportation identifying the necessary intersection improvements required at the South Service Road/Burford Road to accommodate the proposed uses;
- b) the applicant makes arrangements to the satisfaction of the Ministry of Transportation, the Regional Roads Department and the City Traffic Department regarding the construction of the above-noted intersection improvements; and,
- c) the applicant has applied for and received approval for a Site Plan Control application.

Removal of the holding restriction shall be conditional upon the above-noted conditions being met and the passage of the amending By-law.

City Council may remove the 'H' symbol, and thereby give effect to the "JJ" and "KK" District provisions as stipulated in the By-law, by enactment of an amending By-law once the conditions have been met.

- ii) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of Zoning By-law No. 6593 applicable to Block "1", and the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593 applicable to Block "2", be modified to include the following variances as special requirements:
  - a) That notwithstanding Sections 16A(1) and 17A(1) of By-law No. 6593, the following use shall be permitted within the existing building or portions thereof:
    - 1) "retail warehouse(s)" comprising of large scale retail uses including the storage and sale of retail goods, merchandise and materials with a maximum gross floor area of 37,379 m<sup>2</sup> (402,353 ft<sup>2</sup>);
  - b) That a minimum gross floor area of 1,000 m<sup>2</sup> (10,7764 ft<sup>2</sup>) shall be provided and maintained for each individual tenant;
  - c) That a minimum 3.0m wide landscape planting strip, except for any area used for access driveways, shall be provided and maintained along the easterly, southerly and westerly property lines adjacent to Burford Road;

- d) That a minimum 6.0m wide landscape planting strip shall be provided and maintained along the entire northerly property line adjacent to South Service Road;
  - e) That vehicular access to South Service Road shall be prohibited;
  - f) That a minimum 7% of the lot area shall be provided and maintained as landscaped area;
  - g) Notwithstanding Sections 16A(1)(f) and 17A(1)(d) ground signs, wall signs and roof signs shall be permitted in accordance with the following requirements:
    - 1) No ground sign shall exceed 6.0 m in vertical dimension;
    - 2) No wall sign shall exceed 4.5 m in vertical dimension;
    - 3) No roof sign shall exceed 3.5 m in vertical dimension;
    - 4) The total aggregate area of all signs shall not exceed 0.5 m<sup>2</sup> for every 0.5 m of the street frontage on which the lot abuts;
    - 5) No sign shall project into a required front yard or required rear yard except a wall sign, but not more than 0.5 m projection into the yard;
    - 6) No ground sign shall be located less than 6.0 m (19.69 feet) from the nearest street line;
  - iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-122 be notated S- ;
  - iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-122 for presentation to City Council; and,
  - v) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
3. That By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A".

## EXPLANATORY NOTE:

The purpose of the by-law is to modify the "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District, for lands know as 8 Burford Road, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow the establishment of a retail warehouse(s) within portions of the existing building. Parts of the existing building would be demolished to provide for parking.

In addition, the By-law provides for the following variances as special requirements:

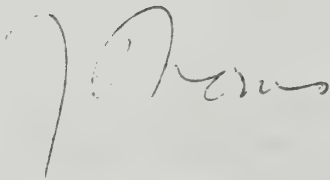
- permits, within the existing building or portions thereof, a "retail warehouse(s)" comprising of large scale, retail uses including the storage and sale of retail goods, merchandise and materials, with a maximum gross floor area of 37,379 m<sup>2</sup> (402,353 ft<sup>2</sup>);
- requires a minimum gross floor area of 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) for each individual tenant;
- requires a minimum 3.0 m landscape planting strip, except for any area used for access driveways, to be provided and maintained along the easterly, southerly and westerly property lines adjacent to Burford Road;
- requires a minimum 6.0 m landscape planting strip to be provided and maintained along the entire northerly property line adjacent to the South Service Road;
- prohibits vehicular access to South Service Road;
- requires a minimum 7% of the lot area to be provided and maintained as landscaped area; and,
- permits ground, wall and roof signs on the following basis:
  - no ground sign to exceed 6.0 m in vertical dimension;
  - no wall sign to exceed 4.5 m in vertical dimension;
  - no roof sign to exceed 3.5 m in vertical dimension;
  - total aggregate area of all signs not to exceed 0.5 m<sup>2</sup> for every 0.5 m of street frontage;
  - no sign to project into a required front yard or required rear yard except a wall sign, but not more than 0.5 m projection into the yard; and,

- no ground sign to be located less than 6.0 m (19.69 feet) from the nearest street line.

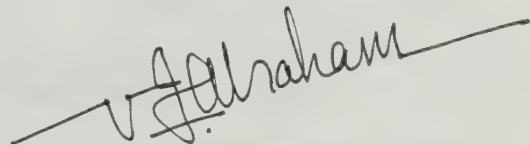
In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act to the subject lands, by introducing the holding symbol 'H' as a suffix to the Zoning Districts which will prohibit the development of the subject lands until the applicant has:

- completed a traffic impact analysis to the satisfaction of the Ministry of Transportation identifying the necessary intersection improvements at the South Service Road and Burford Road required to accommodate the proposed uses;
- made arrangements to the satisfaction of the Ministry of Transportation, the Regional Roads Department and the City Traffic Department regarding the construction of the above-noted intersection improvements; and,
- has applied for and received approval for a Site Plan Control application.

Removal of the holding restriction shall be conditional upon the applicant meeting the above-noted conditions, and the passage of an amending By-law. Council may remove the 'H' symbol, and thereby give effect to the modified "JJ" and "KK" District provisions as stipulated in this By-law, by enactment of an amending By-law once the traffic impact analysis and the appropriate arrangements are made for the construction of intersection improvements, and the applicant has applied for and received approval of a Site Plan Control application.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

- Proposal

The applicant is requesting a modification to the present "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District regulations to permit retail warehouse(s) with a total gross floor area of 37,378 m<sup>2</sup> (402,353.1 ft<sup>2</sup>). The applicant intends to demolish portions of the existing industrial building (former Firestone warehouse) and establish three separate buildings with parking being provide in between the buildings (see APPENDIX "B").

**APPLICANT:**

Investland Corporation Limited, prospective owner.

**LOT SIZE AND AREA:**

The subject property has:

- a frontage of 256.03 m (840 feet) on Burford Road;
- a depth of 393.5 m (1,291 feet); and,
- a lot area of 10.12 ha (25 acres).

**LAND USE AND ZONING:**

|                          | <u>Existing Land Uses</u>                  | <u>Existing Zoning</u>  |
|--------------------------|--|---|
| <u>Subject Lands</u>     | Warehouse                                  | "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District |
| <u>Surrounding Lands</u> |  |   |
| to the north             | Queen Elizabeth Hwy and Confederation Park | "JJ" (Restricted Light Industrial) District and "AA" (Agricultural) District                |

|              |   |   |
|--------------|---|---|
| to the south | Ontario Hydro ROW, CN tracks and Industrial   | "KK" (Restricted Heavy Industrial) District   |
| to the east  | Storage/Warehouses, Commercial and Industrial | "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District |
| to the west  | Commercial, Industrial and Warehouse          | "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District |

#### OFFICIAL PLAN:

The subject lands are designated **Industrial** on Schedule 'B' - Land Use Concept of the Official Plan. The following policies are noted:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
  - ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
  - iii) Uses which have characteristics or functional requirements similar to Industries;
  - iv) Residences for maintenance staff of a principal use;
  - v) Research and development facilities;
  - vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations); and,

- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

The subject lands are also within **Special Policy Area 11** as shown on Schedule 'B' - Special Policy Areas. Policy A.2.9.3.9 permits Light Industrial Uses within the Special Policy Area. Since this proposal is not for Light Industrial Uses the policies of the Official Plan in this regard are not relevant.

The proposal conflicts with the intent of the Official Plan. Approval of the application will require an amendment to create a Special Policy Area to permit the proposed use within the Industrial designation.

#### NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Grayside Neighbourhood.

#### COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection to the proposal.
- The Building Department advises:
  - "1. A 'retail warehouse' is not defined or recognized as a permitted use under the zoning regulations.
  2. A 'warehouse' for the purpose of storage is permitted.
  3. A 'retail store' is a commercial use and is not permitted.
  4. Based on a retail area of 30,690 m<sup>2</sup> and warehouse area of 6,689 m<sup>2</sup>, a minimum of 1595 parking spaces and 7 - 3.7 m x 18.0 m x 4.3 m loading spaces are required."
- CN advises:
 

"We have reviewed your letter dated 25 August 1993, regarding the above noted application and offer no objections, however any future development would be expected to comply with our environmental and safety standards."

- The Traffic Department advises:

"...please be advised that we have reviewed the above application and find the proposed zoning satisfactory. We respectfully request that this application be placed under Site Plan Control so that we may review any proposed development.

The applicant has submitted a preliminary site plan with 30,690m<sup>2</sup> of retail warehouse floor space. This size of development would generate approximately 2,300 vehicle/trips during the P.M. peak hour. This additional traffic would increase vehicle congestion on the adjacent roadway. Much of this traffic will be directed to the newly reconstructed South Service Road. This would require a road widening on Burford Road at the South Service Road intersection. A traffic signal may also be required at the South Service Road and Burford Road intersection."

The Traffic Department further advises:

"Further to our letter of 1993 November 02 concerning the above-noted application, the following additional comments are provided.

We request that this application be restricted to a maximum gross floor area of 37,379m<sup>2</sup> (402,353 ft<sup>2</sup>).

We had previously requested that this application be placed under site plan control. As a condition of site plan control, the applicant should be required to submit a traffic impact study for the proposed development to the satisfaction of the Director of Traffic Services. This study would identify the amount of traffic being generated by the proposal and any roadway deficiencies and/or traffic signal requirements."

- The Roads Department advises:

"We have reviewed the above application and submit the following comments:

1. Comments from the City of Hamilton Traffic Department with respect to traffic generation and impacts, parking, access etc, should be considered.
2. Comments from the Ministry of Transportation of Ontario with respect to their requirements on the South Service Road, possible roadway improvements, Building Landuse Permits, setbacks, grading, etc. should be considered.



3. We require that as a condition of development approval that sufficient lands be dedicated to the City of Hamilton and the Ministry of Transportation of Ontario, for road widening purposes, to establish a split directional approach on Burford Road at the South Service Road and install appropriate traffic control devices, including the installation of traffic signals. This road widening requirement is shown on the attached preliminary sketch. These road widenings may be increased at such time as the traffic impact studies are completed to the satisfaction of the Ministry of Transportation of Ontario and may also include additional lands on the southside of the South Service Road.
4. We recommend that the subject lands be developed through site plan control and further details on access design, location, grading, roadway improvements, traffic signalization etc. will be made at such time as detailed site plans are submitted for our review and approval. The site plans must be revised to take into consideration any road widenings which may be required on Burford Road or the South Service Road.
5. There are public watermains and separate storm and sanitary sewers available to service these lands."

- The Ministry of Transportation advises:

"We have reviewed the proposed amendment and have no objection to it. As the site abuts the Q.E.W., please note the following:

1. Our main concern is the impact of this operation on the South Service Road/Burford Road intersection. We would need to review a traffic impact study assessing these impacts and establishing the necessary intersection improvements. The traffic information that accompanied your letter is not sufficient to us. The consultant should contact Harry Verkaik of our Central Region Office at (416) 235-5559 to discuss our requirements. Prior to rezoning, proper arrangements should be made with the municipality, applicant and M.T.O. regarding these intersection improvements.
2. All access will be restricted to Burford Road. We request that the official plan amendment clearly state that access to the South Service Road will **not** be permitted.
3. M.T.O. setback requirements for all new buildings and structures is 14m from the South Service Road property limit. This should be incorporated into the by-law.

4. If the grading of the site is altered in any way, we will want to review a grading/stormwater drainage plan.
5. Prior to the erection of any signs adjacent to the highway, a permit must be obtained from this Ministry. The owner should contact our Corridor Management Officer at our Burlington District Office located at 1182 North Shore Blvd., P.O. Box 5020, Burlington, Ontario, L7R 3Z9 Telephone No. (905) 637-5625.
6. The municipality should ensure that there is sufficient on-site parking so vehicles do not park on M.T.O. right-of-way."

#### COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of this application will require an amendment to establish a new Special Policy Area to permit the proposed use within the **Industrial** designation.
2. The proposal has merit and can be supported on the following basis:
  - it provides an adaptive reuse of an industrial building; and,
  - it is appropriately located within an industrial area where it should not impact nearby residents and has suitable vehicular access, via South Service Road, to the QEW highway.
3. Given the comments of the Ministry of Transportation with respect to need for a traffic impact study to assess the impacts of the proposed uses on the South Service Road and to identify the necessary intersection improvements at Burford Road and South Service Road, it is appropriate to apply the holding provisions of the Planning Act, R.S.O., to the subject lands. Removal of the holding symbol should be conditional upon the applicant completing a traffic impact study to the satisfaction of the Ministry of Transportation and making the necessary arrangements regarding these improvements with the Ministry of Transportation, the Regional Roads Department and the City Traffic Department.
4. Since "retail warehouse(s)" is not defined as such in the Zoning By-law, it is appropriate to include a definition, as well as other regulations which will provide a maximum gross floor area for the entire site (37,379 m<sup>2</sup> or 402,353 ft<sup>2</sup>) and a minimum gross floor area for each individual tenant (1,000 m<sup>2</sup> or 10,764 ft<sup>2</sup>).
5. In keeping with the draft site plan submitted by the applicant, provisions should be made for:

- a 3.0 m wide landscaped planting strip (except the area used for access driveways) along the easterly, southerly and westerly lot lines adjacent to Burford Road; and,
- a minimum 7% of the lot area to be provided and maintained for landscape area.
- a minimum 6.0 m landscaped planting strip along the entire northerly lot line.

Further there should be no vehicular access permitted for the subject lands to South Service Road. This is consistent with the Ministry of Transportation's request.

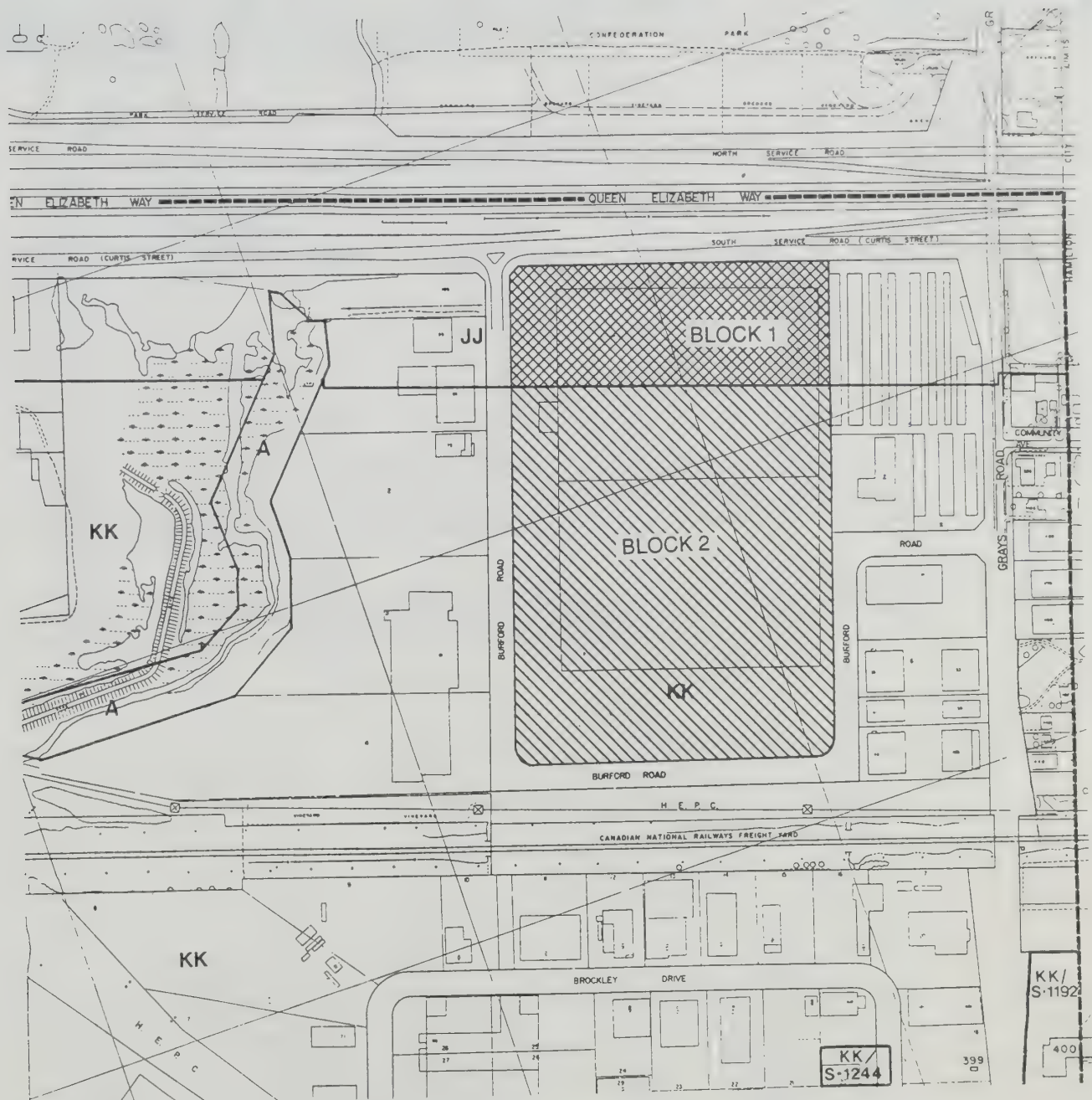
6. Given the nature of the proposed uses, it was felt the sign requirements applicable to the "M" District would be appropriate for this proposal.
7. The Ministry of Transportation has requested that the Official Plan amendment include a policy that would not permit direct access to the subject lands from the South Service Road.
8. The "JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District are not subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. In this regard, it would be appropriate to place the subject lands under Site Plan Control so that matters such as access, signage, parking layout, landscaping, grading, etc. can be further reviewed during the Site Plan process. Since the Ministry of Transportation's concerns regarding access and grading (amongst others), relate to the Site Plan as well, it is considered appropriate to make the application for and approval of a Site Plan Control application a condition of removal of the holding provision in addition to the those noted previously.

## CONCLUSION:

On the basis of the foregoing, the application can be supported.



CF/  
93-31





# **LEGEND**

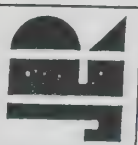
Proposed Modification to the:

- Block 1  "JJ" (Restricted Light Industrial) District regulations
- Block 2  "KK" (Restricted Heavy Industrial) District regulations

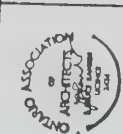
  
ZAR-93-31

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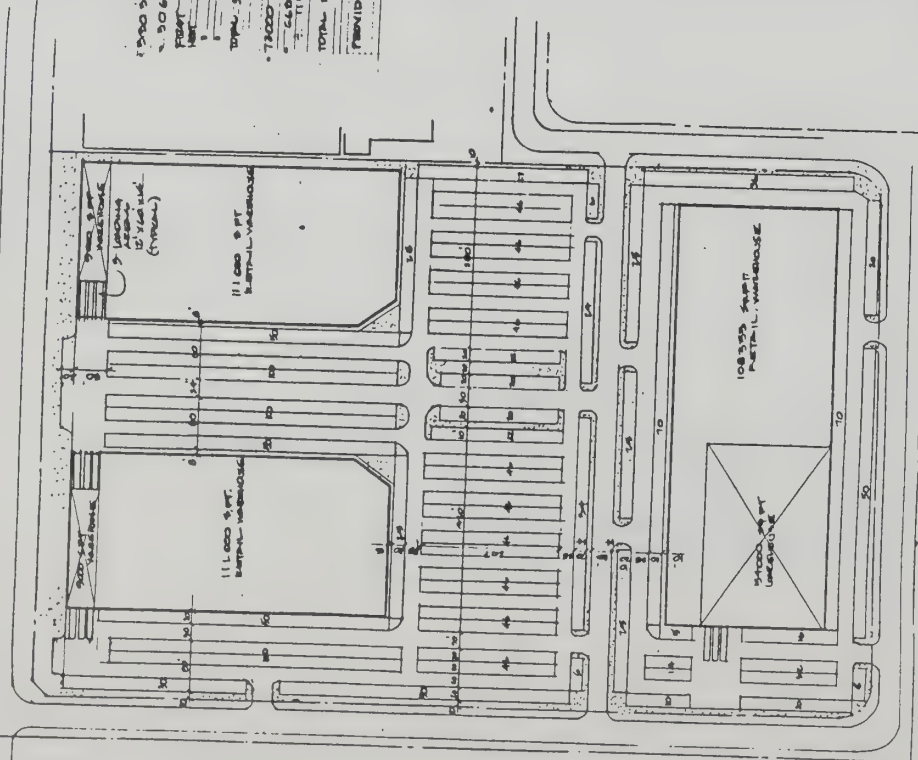
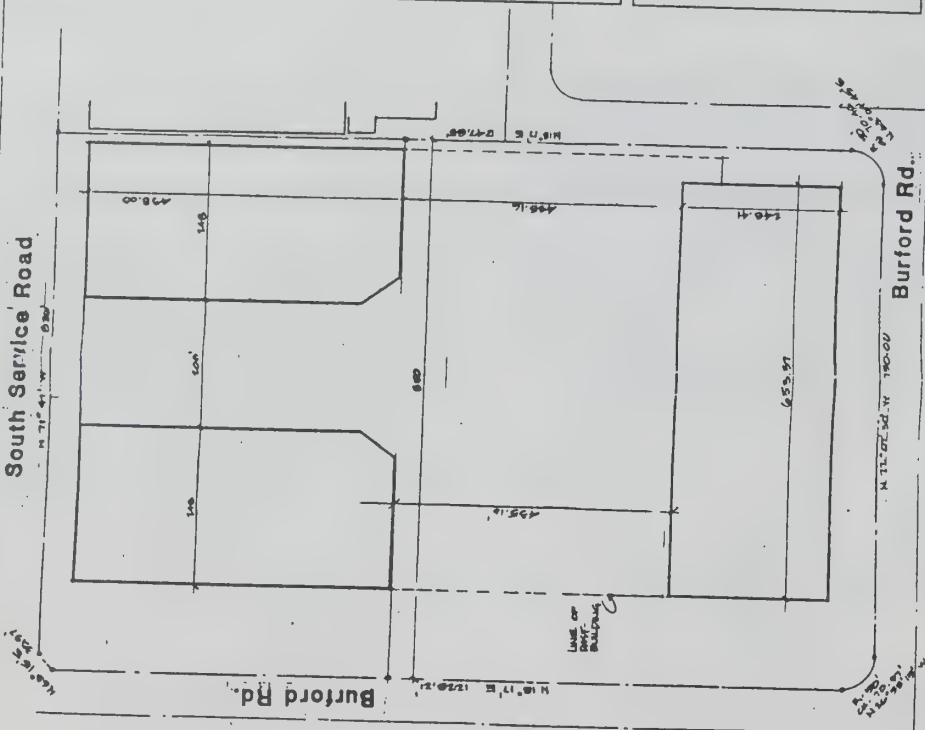
Firestone  
Site  
8 Burford  
Rd.

HAMILTON ONT.

|       |
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| LAB   |
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| 66-42 |
| AN    |
| Doc   |
| 100%  |
| FIVE  |
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| 80°   |

SITE PLAN

South Service Road.



parking plan

|                      |            |
|----------------------|------------|
| 500 55.4P. RETAL     | WASHINGTON |
| 30620 M 49.          |            |
| 1000                 | 507        |
| NET 9200 + 15 = 935  | 100        |
| 9200 + 15 = 935      |            |
| 9200 + 15 = 935      |            |
| 0590711              |            |
| TOTAL 2900           | 1950       |
| 1950                 | 1950       |
| 72000 4P. WASHINGTON |            |
| 2400 M 50.           |            |
| 1111                 | 51         |
| TOTAL REQUIRED 1950  |            |
| 1950                 |            |
| PROVIDED             | 1619       |





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Nov. 29

RECEIVED

NOV 29 1993

101 Duncan Mill Road,  
Suite 408,  
Don Mills, Ontario.  
M3B 1Z3.

416 445 0325.

1b)

CITY CLERKS

November 25, 1993.

The Secretary,  
Planning and Development Committee,  
City Hall,  
71 Main Street West,  
HAMILTON, Ontario.  
L8N 3T4.

Dear Sirs:

**Re: Planning Department File #ZAR-93-31  
Proposed Official Plan Amendment  
8 Burford Road**

We are the owners of 85 Burford Road. Upon receiving the above and discussing it with the Planning Department we strongly object to the change requested.

**REASONS:** Burford Road has very limited access off Grays Road which will encourage access from Burford Road. Burford Road is narrow with many short turns. Access to 8 Burford is across the street from our access, and given the short distance from the South Service Road to our driveway, the heavy traffic generated will make accessing our property very difficult with the stacking of cars coming and leaving.

Industrial producers need quick and easy access in order to ship and receive goods on a 24 hour basis. The road network around Burford is very inadequate for retail traffic that the proposed use would generate and will be a strong deterrent for industrial users to locate on Burford and surrounding areas. It will cause severe hardship for industrial users already established in the area, encouraging them to leave the area when possible. This will further erode the industrial base in the area which in turn will prompt owners in the area to seek retail zoning in order to secure tenants for their properties which have been abandoned by industrial users.

Cont . . . .



Planning and Development Committee

November 25, 1993.

Our property is leased to an industrial user in accordance with the present zoning by-law. However, if the proposed change for 8 Burford is approved, despite our objections, the "Special Policy Area" must be expanded to include all other industrial properties in the immediate vicinity. The reason for this suggestion, is that no new industry will locate in this area given the traffic congestion that will result. It will be killed as an industrial zone.

In summary, Burford Road has:

1. limited access;
2. restricted traffic pattern;
3. too narrow and too short to allow reasonable traffic flow;
4. the limited access will cause severe backup traffic stacking on South Service Road and Burford Road

making it very difficult for industry to function in this area. Our own property and its occupant, Arzon, which creates high-paying industrial jobs, will be unfairly impacted.

We strongly urge that this requested amendment not be granted.

Very truly yours,  
50 YONGE ST. SOUTH INC.,

Per:

  
Charles J. Kasner

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Dec. 2



Engineering & Environmental Services  
Line Operations East  
Suite 503, 277 Front Street West  
Toronto, Ontario  
M5V 2X7

26 November 1993

Your File: ZAR-93-31  
Our File: TZ-4500-H-08

Secretary  
Planning and Development Committee  
City of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

RECEIVED

DEC 02 1993

CITY CLERKS

Dear Sir/Madam:

**Re: Proposed Zoning By-law Amendment  
8 Burford Road**

We have reviewed your letter regarding the above noted application and offer no objections.

Yours truly,

A handwritten signature in cursive script that reads 'Karen Fraser'.

Karen Fraser  
Planner

For: P.J. Penney  
Technical Services Engineer



2.

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** December 1, 1993  
ZAC-93-28  
Gibson Neighbourhood

RECEIVED

DEC 02 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and change in Zoning - No. 30  
Wentworth Street North.

**RECOMMENDATION:**

- A. That approval be given to Official Plan Amendment No. to redesignate lands municipally known as 30 Wentworth Street North from "COMMERCIAL" and "RESIDENTIAL" to "MAJOR INSTITUTIONAL" and delete Special Policy Area 15, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 93-28, Hamilton-Wentworth Catholic Separate School Board, prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE-3" (Multiple Dwellings) District, modified to permit a secondary school with ancillary day nursery, for the property located at 30 Wentworth Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District modified to "DE-3" (Multiple Dwellings) District;
  - ii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
    - a) That notwithstanding Section 10C(3)(i)(b) of Zoning By-Law No. 6593, a minimum front yard depth of 6.0 m (20'-0") shall be provided and maintained from the widened limits of Wentworth Street North, except a minimum front yard depth of 5.36 m (17'-0") shall be provided and maintained for the Chapel;
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-22 be notated S- ;



- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
- v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
- vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "INDUSTRIAL", "MEDIUM DENSITY APARTMENTS", and "COMMERCIAL AND APARTMENTS" to "CIVIC AND INSTITUTIONAL".

C. That final Site Plan Approval be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.

**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE-3" (Multiple Dwellings) District modified, for the property located at 30 Wentworth Street North, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for a secondary school with an ancillary day nursery.

In addition, the By-Law provides for a variance to permit a minimum front yard depth of 6.0 m (20'-0") from the widened limits of Wentworth Street North, except a minimum front yard depth of 5.36 m (17'-0") is permitted for the Chapel, whereas 7.5 m (24.61') is required.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant has applied for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District modified to "DE-3" (Multiple Dwellings) District modified, to permit development of the subject lands for a secondary school with an ancillary day nursery, located at 30 Wentworth Street North, as shown on the attached map.

The school will accommodate approximately 1,200 students and 85 staff members. There will also be a day nursery for approximately 30-35 children, and a group service area that may be utilized by the neighbouring Catholic Children's Aid Society. One hundred thirty-nine parking spaces will be provided on-site (see Appendix "B").

The site was previously used by the Hamilton Street Railway as a bus depot and administrative offices.

**LOT SIZE AND AREA:**

- 170.645 m (559.8 ft.) of lot frontage on Wentworth Street North;
- 145.96 m max. (478.8 ft.) of lot depth; and,
- Approx. 2.66 hectares (6.57 acres) of lot area.

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>  | <u>Existing Zoning</u>  |
|--------------------------|---|---|
| <u>Subject Lands</u>     | Vacant - formerly used by HSR as a bus depot and administrative offices | "J" (Light and Limited Heavy Industry, etc.) District, modified |
| <u>Surrounding Lands</u> |   |   |
| to the north             | Single-Family Dwellings and a Warehouse                                 | "L-mr-2" (Planned Development) District                         |
| to the east              | Multiple Family Dwellings   | "DE-3" (Multiple Dwellings) District, modified                  |

|              |   |   |
|--------------|---|---|
| to the west  | Single-Family Dwellings<br>and Commercial | "D" (Urban Protected Residential<br>One and Two Family Dwellings, etc.)<br>District and "H" (Community Shopping<br>and Commercial, etc.) District |
| to the south | Commercial                                | "H" (Community Shopping and<br>Commercial, etc.) District   |

**OFFICIAL PLAN:**

The northern portion of the site is designated RESIDENTIAL and the south-east corner of the site fronting on King Street East is designated COMMERCIAL on Schedule "A" - Land Use Concept of the Official Plan.

The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
  - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan."

The following policy of Subsection A.2.2 - Commercial Uses should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
  - ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan."

The following policies of Subsection A.2.6 - Major Institutional Uses should be noted:

- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

- A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
- iii) Adequate provision has been made for access by the physically disabled and senior citizens.

- A.2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.

- A.2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of .4 hectare or greater will only be permitted by means of an amendment to this Plan and to the implementing Zoning By-law."

Although, a portion of the subject lands are located within Special Policy Area 15, the following policy is no longer relevant:

- "A.2.9.3.13 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 15, and known municipally as Nos. 30 to 50 Wentworth Street North and No. 506 Wilson Street, the interim use for parking, storage and maintenance of public transit vehicles may be permitted."



The applicant, the Hamilton-Wentworth Roman Catholic Separate School Board, wishes to construct a High School. Although policies A.2.2.1 ii) and A.2.6.1 state that "Major Institutional" uses, regardless of site area, are permitted within areas designated Commercial on Schedule "A", policy A.2.6.3 identifies public and separate schools as "Major Institutional Uses" which will not be permitted in areas designated Commercial on Schedule "A". Also, policy A.2.1.3 ii) states that within areas designated "Residential", schools are permitted provided the site area is less than .4 hectares.

The proposal conflicts with the intent Official Plan. An amendment is required to redesignate the subject lands from "Residential" and "Commercial" to "Major Institutional" as indicated in policy A.2.6.4. In addition, Special Policy Area 15 should be deleted from Schedule B-1 - Other Special Policy Areas as it is no longer relevant due to the elimination of the H.S.R. garage.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "INDUSTRIAL", "MEDIUM DENSITY APARTMENTS", and "COMMERCIAL AND APARTMENTS" on the approved Gibson Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved, an amendment to the Plan would be required to redesignate the subject lands to "CIVIC AND INSTITUTIONAL".

#### ***RESULTS OF CIRCULARIZATION:***

- The following Agency and Department have no comment or objection:
  - Hamilton Region Conservation Authority; and,
  - LACAC.
- The Fire Department has advised that:
  - "a) Adequate water supply for domestic and firefighting purposes is to be provided.
  - b) Adequate fire department access is to be provided.
  - c) All construction is to be carried out under a building permit issued by the Building Commissioner."
- The Ministry of the Environment has advised:

"I am writing further to my letter to you upon the captioned planning proposal, dated August 17, 1993.

Through that letter I explained that, pursuant to a report by CH2M Hill Engineering Limited, and save for the site of an electrical transformer station, all building demolition and soil remediation has been completed on the property to our satisfaction. We have since advised the Hamilton Street Railway Company (HSR) to this effect, but have expressed too that a further report documenting

clean-up of the transformer station area, copies of letters notifying adjacent property owners of petroleum contamination to soils beyond the property, and copies of the information which has been declared on the HSR property title are required. We are awaiting these documents.

In writing to you, I requested that the HSR be made a Special Policy Area under the Official Plan amendment being sought. I cited our guideline upon municipal planning policy in these circumstances, making particular reference to the need for qualified supervision throughout and soil handling activities, and for verification sampling prior to redevelopment

Need for professional action on these matters still pertains with respect to the transformer station site; however, since I wrote to you in August, Amendment No. 80 to the Hamilton Official Plan has been approved with modifications.

Modifications No. 9 (addition of Policy 4.9 to Subsection C.4-Pollution ) deals with the matter of potentially contaminated sites. Among other points, it specifies that under current circumstances, "no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed", and that Council "will utilize means such as Site Plan Approval, the 'H' (Holding zone provision), etc., as a means to prohibit development".

Under the current circumstances, and on the understanding that actions to withhold development approval pursuant to Policy 4.9 will be applied, we now withdraw our request that a "Special Policy Area" designation be applied to the HSR property. As I expressed previously, we will advise you when the site is made fully suitable in terms of soil quality for school use. By providing appropriate documentation, please advise me of the mechanism (Site Plan Approval or Holding Zone provision) which the City has applied to defer redevelopment of this property until we have notified you to this effect.

The circumstances of each development/redevelopment proposal are unique, and must be evaluated on a case-by-case basis; therefore we reserve the opportunity to request that an Official Plan/zoning by-law amendment be withheld in accordance with our guidelines in this matter, as we find appropriate to each proposal."

- The Roads Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

We have also reviewed the preliminary site plan submitted for the above mentioned development and submit the following comments for both the zoning application and the preliminary site plan.

As the applicant may be aware, Part 7 on Reference Plan 62R-10594 is required for the road widening on Wilson Street and will be retained by the Region. The Plans submitted do not provide for the road widening and must be revised accordingly. The underground parking garage, footing,

underground vault and emergency stairs etc. must be set back from the widened limits of Wilson Street.

A satisfactory grading plan will be required. In preparing the grading plan, we request that the northeast corner of the property be graded to improve motorist sight lines for the access to the east on Wilson Street. The fence along the east property line is to be recessed a minimum of 3 m from the widened road allowance limits of Wilson Street.

We recommend that the proposed steps adjacent to the Wentworth Street road allowance be setback at least 0.60 m from the property line.

The applicant/owner requires a paving agreement with the Region for the concrete paving within the Wentworth Street road allowance.

According to our records, the alley to the south of the subject Lands is public unassumed. It is unclear from the plans submitted what the applicant intends to do with Part 1 and 3 on Reference plan 62R-10594. Will there be an extension of the existing alley or will it be abandoned? Please provide us with further details.

Any works which may occur within the adjacent road allowances must conform to the Regions Roads Use By-law.

Should a layby be constructed within the Wentworth Street road allowance, sufficient lands must be dedicated to the Region as a condition of development approval to establish the layby and municipal sidewalk completely within the road allowance. Should the applicant construct the layby on private property, then the site plans must be revised. The City Traffic Department will specify the length and dimensions of the layby required. The construction of a layby within the Wentworth Street road allowance requires a paving agreement with the Region and Road Cut Permit.

We will provide more detailed comments on the site plan at such time as revised site plans, grading, plans and landscape plans have been submitted for our review and approval.

Comments from the City Traffic Department with respect to manoeuvring, loading etc. should be considered."

- The Traffic Department has advised that:

On 1993 October 06, representatives of Planning, Roads and The Traffic Department met with John Harkness and Tony Cupido of The Catholic Separate School Board to discuss concerns regarding the above project.

We were advised that the applicants were opposed to the implementation of a drop off bay/layby at the front of the school. The applicants believe that the parking areas at the north and south/east end of the property are sufficient for any passenger drop offs.



It is our understanding that approximately 1,200 students and 85 staff members will be attending this facility. There will also be Child Care Facility caring for approximately 30-35 children and a group service area that may be utilized by the neighbouring Catholic Children's Aid Society. The Applicants stated that approximately 1,100 students will walk or take the bus. We requested that the applicants provide us with the student population distribution information that would justify this statement. On November 1, 1993, we received a brief report that outlined the boundaries of the Cathedral High School's catchment area. A copy of this plan is attached. The report did not define the number of students living in certain areas (ie. living on bus routes or within walking distance).

The applicant should be advised that we are requesting that a 4.0m layby on Wentworth Street be incorporated into the site plan. The design of the layby should allow for drop offs at the main entrance of the school and at the child care area. A layby will allow vehicles to stop on Wentworth Street and drop off/pick up passengers without interfering with the through traffic.

It is our understanding that the layby can be implemented within the existing Wentworth Street road allowance. However, this must be confirmed by the Roads Department. All costs associated with the implementation of the layby will be the responsibility of the applicants. The sketch of the recommended design of the layby is attached.

Subject to the provision of a layby being included on the site plan, we find the request to rezone the lands to "DE-3" (Multiple Dwellings) to be satisfactory.

We have the following comments in regard to the preliminary site plan so that we may comment accordingly. The applicant should be advised that the maximum grade should not exceed 10 percent.

The placement of the support columns at the rear corners of the parking spaces in the underground parking area makes access to them very difficult. We suggest setting the columns back from the end of the stalls to correct this problems.

The applicant should be advised that the comments regarding the site plan are preliminary. We will review this proposal further upon submission of more detailed site plan."

- The Building Department has advised that:

- "1. Our comments do not include the three (3) buildings on Sanford Avenue North.
2. We are using the old H.S.R. street number on Wentworth Street North because the new school has no buildings facing King Street East.
3. The required front yard setback is 7.5 m (24.61'), shown is 4.26 m (14'-0").
4. The emergency exit building stair must be a minimum of 1.5 m off Wilson Street, shown is 1.0 m.



5. The front canopy can only project 1.5 m (4.92') into a required front yard. The required front yard is 7.5 m (24.61'), which means the closet part of the canopy to the Wentworth Street lot line is 6.0 m (19.69'), shown is 1.82 m (5.97').
6. The required parking will be 83 spaces for the school and 6 spaces for the day nursery, making a total of 89 required parking spaces."

**COMMENTS:**

1. Approval of the application would require an amendment to the Official Plan to redesignate the subject lands from "COMMERCIAL" and "RESIDENTIAL" to "MAJOR INSTITUTIONAL" and to delete "Special Policy Area 15".
2. The proposal would require an amendment to the approved Gibson Neighbourhood Plan to redesignate the subject lands from "INDUSTRIAL", "MEDIUM DENSITY APARTMENTS", and "COMMERCIAL AND APARTMENTS" to "CIVIC AND INSTITUTIONAL".
3. The proposal has merit and can be supported for the following reasons:
  - i) It will replace the two (2) existing schools (i.e. Cathedral Girls and Boys High School) on Main Street East and provide a facility that is centrally located to better service the community;
  - ii) It would be compatible with the existing and proposed development in the area;
  - iii) The requested zoning is appropriate for the subject development; and,
  - iv) It is an adaptive re-use and improvement over the prior use of the lands.
4. The applicant has submitted a preliminary site plan for the proposed school (see Appendix "B") which has been reviewed by the Building Department. On the basis of comments received, the proposal appears to satisfy by-law requirements, except for the front yard requirement. In this regard, the applicant has requested a variance to reduce the front yard depth to 4.26 m (14'-0") whereas 7.5 m (24.61') is required.

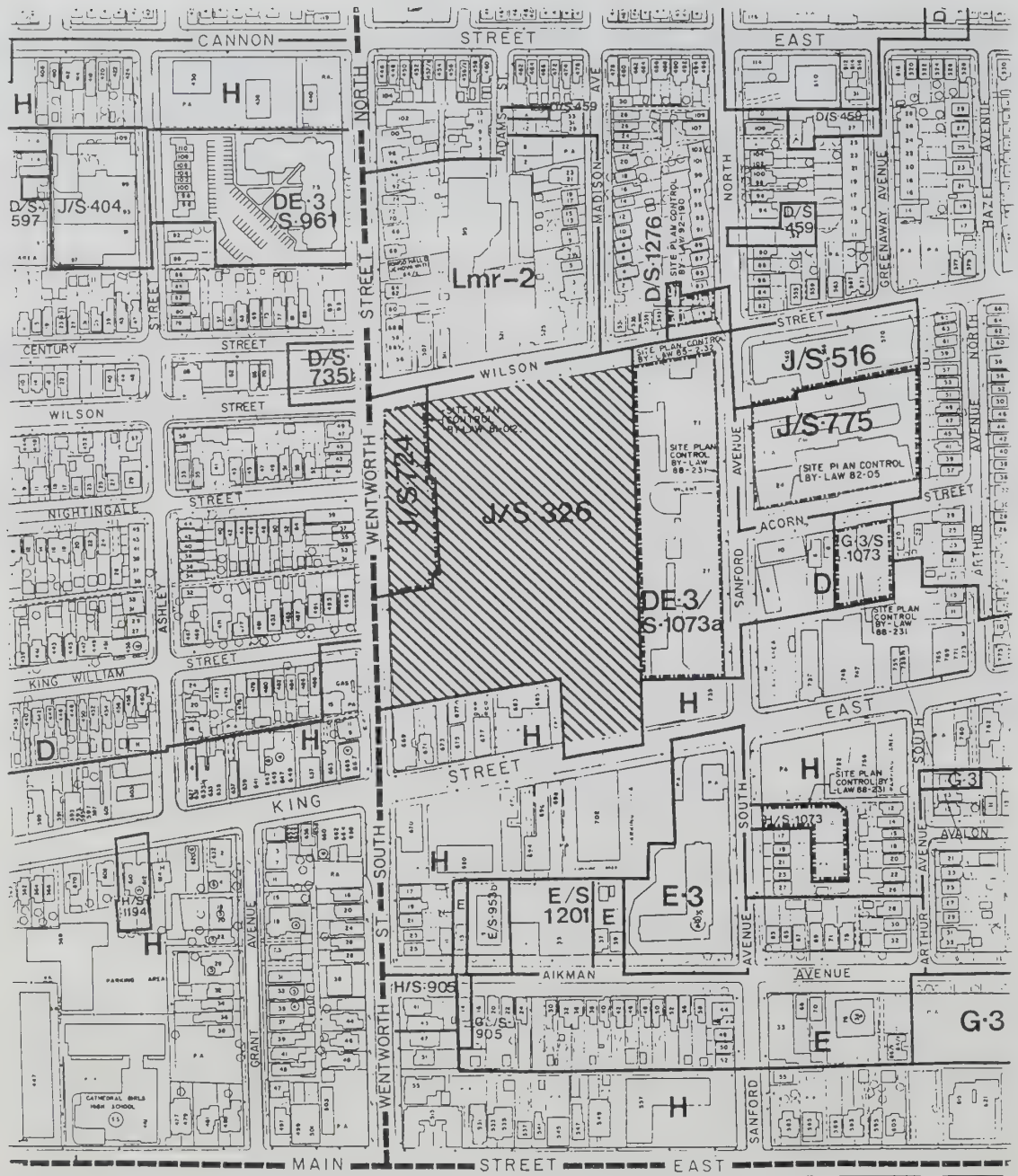
The front yard depth will vary along the Wentworth Street frontage from the requested 4.26 m (14'-0") minimum for the Chapel entrance, to 6.09 m (20'-0") for the majority of the building. However, the Traffic Department has recommended that a layby be provided at the front entrance of the school for traffic and safety reasons. In this regard, the Roads Department has advised that in order to provide the layby a minimum 1.1 m road widening along a portion of Wentworth Street North will be required. The applicant has advised that if the layby is provided the building would be shifted to provide a minimum front yard depth of 6.0 m (20'-0") from the widened limits of Wentworth Street North, and a minimum front yard depth of 5.36 m (17'-0") for the Chapel. The variance is minor in nature and can be supported.

The Ministry of the Environment has advised that, to-date, the decommissioning process and clean up of the electrical transformer station on-site has not been completed. In this regard, final Site Plan Approval should be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.

***CONCLUSION:***

Based on the foregoing, the proposal can be supported.

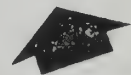
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WPZAC9328



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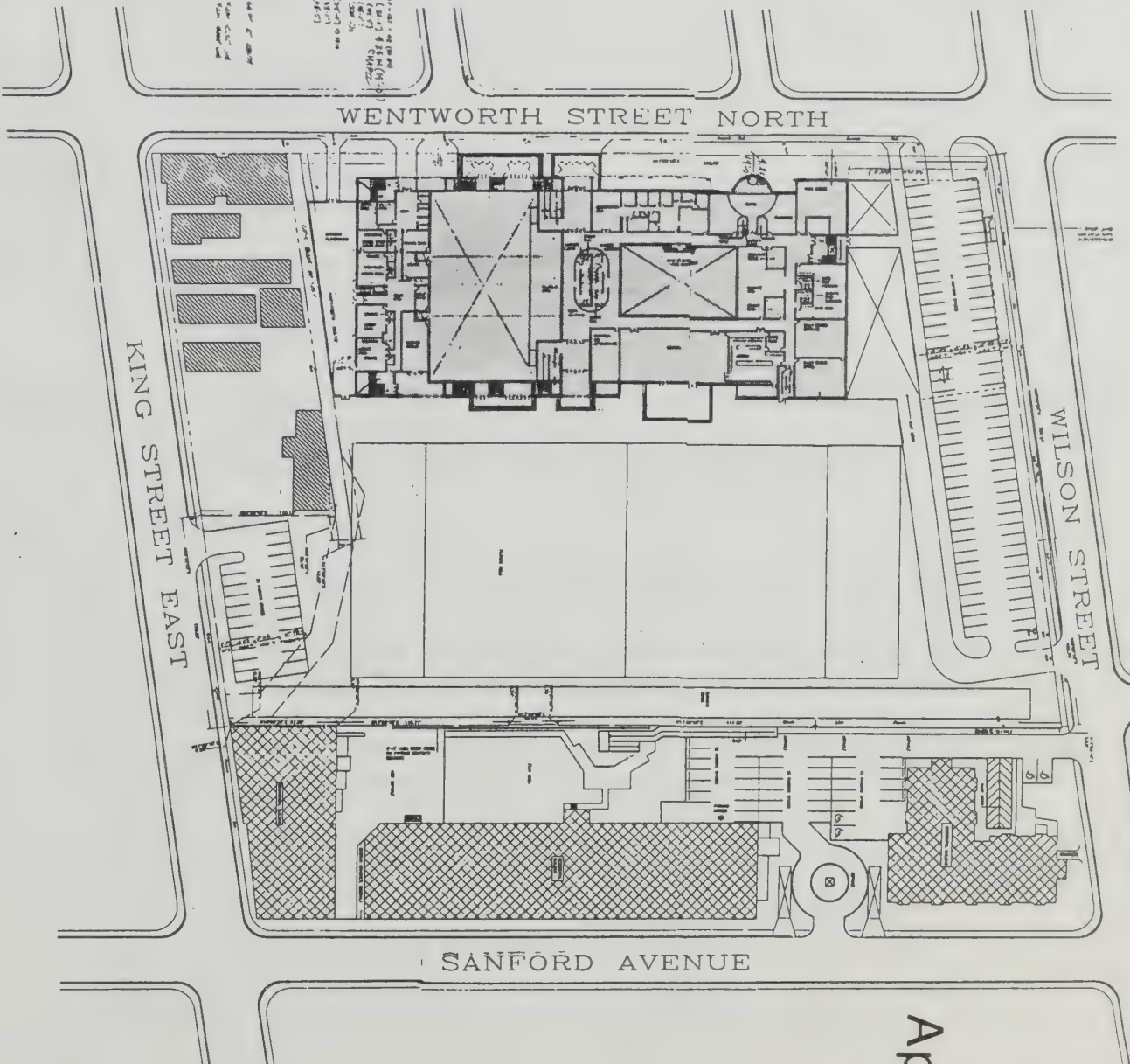
Site of the Application



ZAC-93-28

APPENDIX A





CATHEDRAL CATHOLIC SECONDARY SCHOOL

## SITE PLAN

SCALE: 1"=30'-0"





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

3  
**RECEIVED**

DEC 01 1993

12:30  
CITY CLERKS

**DATE:** 1993 November 29  
P5-2-53

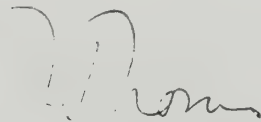
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

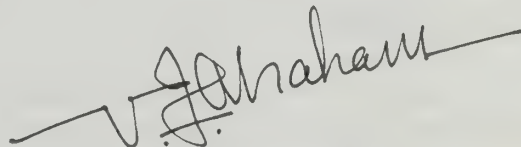
**SUBJECT:** Requested deletion of proposed walkway between 61 and 62 Harbottle Court and  
Block 108 between Lots 9 and 10  
Draft Plan Orchard Park Estates, Gourley Neighbourhood

**RECOMMENDATIONS:**

1. That the Gourley Neighbourhood Plan be amended to delete the Walkway designation.
2. That the Region be requested to amend a condition known as "Clause A Block 108" in the Orchard Park Estates Draft Plan of subdivision to delete the proposed walkway.
3. That the closure and disposal of the walkway between 61 and 62 Harbottle Court be referred to the Transport and Environment Committee for implementation.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director of Local Planning

## **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

On September 23, 1993 the Planning and Development Committee authorized a Public Meeting be held to review the request by the residents to delete the proposed walkway between 61 and 62 Harbottle Court. The walkway would link to a future proposed road westerly in the Gourley Neighbourhood (see attached map).

The proposed walkway has been shown on the Gourley Neighbourhood Plan since it was approved in 1989. Since the walkway is designated on the Neighbourhood Plan, the requested deletion requires an amendment to the Plan.

In addition, Harbottle Court with the walkway, is designated as Block 108 in the Orchard Park Estates Draft Plan of subdivision (25T-88003), approved on July 25, 1989 by City Council and on August 15, 1989 on behalf of the Region by the Commissioner of the Planning and Development Department.

The residents of Harbottle Court have also requested that the proposed sidewalk on Harbottle Court should not be constructed. The sidewalk is only required for the proposed walkway, and is not needed if the walkway is deleted. The request not to install the sidewalk does not require a public meeting; because an amendment to the municipal subdivision agreement between the Regional Roads Department and subdivider is required.

The public meeting was held on October 18, 1993. In attendance were the two Ward Aldermen, ten area residents and staff from the Planning and Development Department.

## **COMMENTS:**

- Area Residents

The general consensus of the residents was to delete the proposed walkway for the following reasons:

- Compromising safety especially for children;
- Promotes crime;
- Litter;
- Noise;
- Loss of privacy, and,
- Not knowing who comes in and out of the court.

In addition to the above, two written submissions were received in favour of deleting the proposed walkway (see attached submissions).

- Subdivider

The subdivider of Orchard Park Estates, in which the proposed walkway would continue, supports the Harbottle Court residents request to delete the proposed walkway.

- Public Transit Department

The Public Transit Department has advised the Roads Department they cannot support the deletion of the proposed Harbottle Walkway. The Department feels without the walkway, future residents of Harbottle Court will be beyond the standard walking line to a bus stop.

- Planning and Development Department

Generally, walkways are designated in Neighbourhood Plans to provide for safe and convenient pedestrian movement. The deletion of the proposed Harbottle Court walkway would have minimal impact on overall pedestrian movements in the neighbourhood. This action would address the concerns of Harbottle Court residents in regard to safety concerns associated with a walkway.

However, the Planning and Development Department believes the deletion of the proposed Harbottle Court Walkway will not adversely affect the transit users in this part of the neighbourhood. Also from past experiences existing bus routes are being reviewed and in some cases relocated when the population increases or decreases and new roads are added. The proposed walkway has been provided to serve primarily the residents of the Court, who now wish for it to be deleted. Other residents of the neighbourhood have alternative pedestrian routes that serve their needs.

- Other Comments

Generally, it is common practice that the persons requesting closure of walkways pay the \$598 necessary fee. In this regard, the area residents should pay the fee prior to the City undertaking the deletion of the walkway.

Application forms for closure of walkways are available from the Roads Department and the request is approved by the Transportation and Environment Committee.

## CONCLUSIONS:

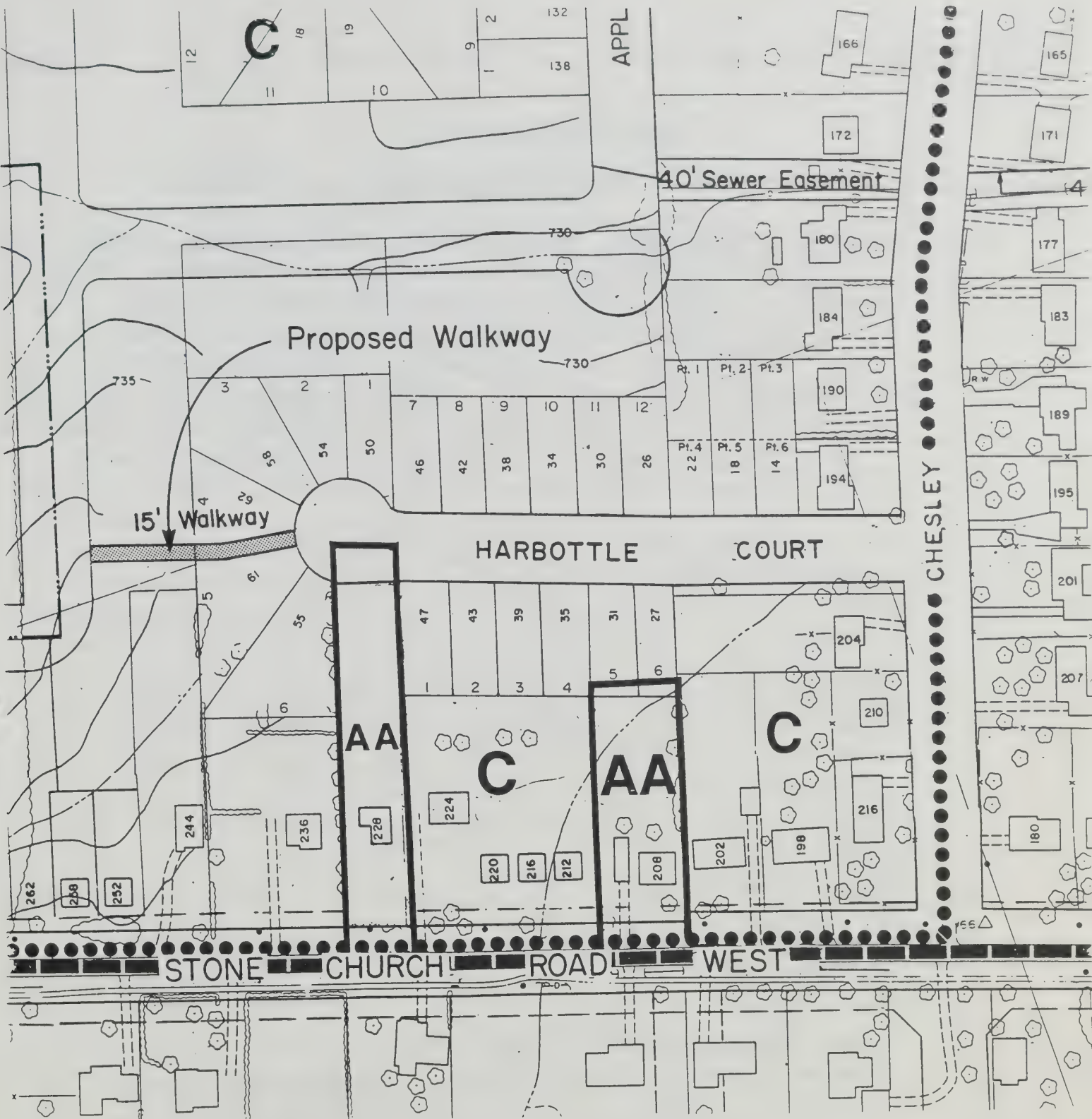
On the basis of the foregoing, the requested deletion of the walkway from the Gourley Neighbourhood Plan can be supported.



The following actions are required to be taken in order to remove the walkway from the Registered Plan and Gourley Neighbourhood Plan:

1. That the Gourley Neighbourhood Plan be amended to delete the Walkway designation.
2. That the condition known as "Clause A Block 108" in the Orchard Park Estates Draft Plan of subdivision be amended to delete the proposed walkway.
3. That the closure and disposal of the walkway between 61 and 62 Harbottle Court be addressed by the Transport and Environment Committee.

G.G.:ns  
GOURLEY



Gourley Neighbourhood

NOV 10 1954

OCT 19 1993  
87

### SUBMISSION SHEET

Walkway Closure - Harbottle Court + Gourley Neighbourhood

- I want to have the walkway remained and closed
- this will eliminate traffic in the court
- enable residents to see who comes in and out of the court.
- for safety reasons for the homes as well as for the many little children who live in the court & 2 of my own
- provide us with more privacy.

John Randa 330

NAME:

John Randa 330

ADDRESS:

43 Harbottle Court  
Hamilton, Ontario  
L9C-7N9

The deadline for submissions is October 29, 1993. Please return the completed submission to:

Mr. Victor J. Abraham  
Director of Local Planning  
Planning and Development Department  
71 Main Street West  
City Hall, 7th Floor  
L8N 3T4

If you have any question please call:

Gerry Groppler, 546-4146



**ROADS DEPARTMENT  
MEMORANDUM**

|  |                |
|--|----------------|
| PLANNING & DEVELOPMENT<br>LOCAL PLANNING |                |
| File No.                                 | OCT 20 1993    |
| TO                                       |                |
|  | BJ mt          |
|  | GB             |
| OUR FILE:                                | E202-12        |
| PHONE:                                   | (416) 546-2809 |
|  |                |
|  |                |

\*\*\*\*\*

TO: W. Janssen  
Division Head, Policy Neighbourhood Planning  
Department of Planning & Development

YOUR FILE:

FROM: E. P. Chajka, P. Eng.  
Manager of Development  
Roads Department

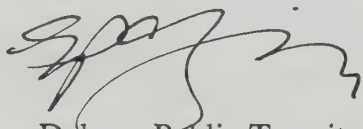
OUR FILE: E202-12  
PHONE: (416) 546-2809

SUBJECT: Proposed Walkway Closure  
Harbottle Court westerly  
City of Hamilton

DATE: 1993 October 18

We refer to your "Notice of Public Meeting" received in this Office on October 12, 1993 regarding the deletion of a walkway which would connect Harbottle Court to a proposed westerly road in the Gourley Neighborhood. The Public Transit Department has advised that this area of the Gourley Neighbourhood is presently serviced by HSR Transit Route 35 College, operating in both directions along Chesley Street. With the walkway deletion, residents west of Harbottle Court will **not** be within the HSR standard for walking distance to a bus route and will **not** have direct access to public transit service. Therefore, this Department cannot support the deletion of this walkway from the Gourley Neighborhood Plan.

Should you require further information on this matter, please contact Mr. H. Groen of this Office at 546-4278.

HNG   
cc: James Dahms, Public Transit  
cc: Roland Karl, Traffic Department  
cc: Doug Christilaw, Roads Department

4.  
RECEIVED

DEC 01 1993

12:30 PM  
CITY CLERKS

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 October 11  
ZAC-93-17  
Durand Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

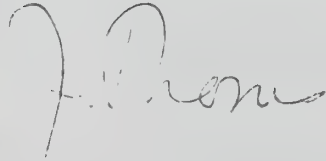
**SUBJECT:** Request for a further modification in zoning - 85 Robinson  
Street

**RECOMMENDATION:**

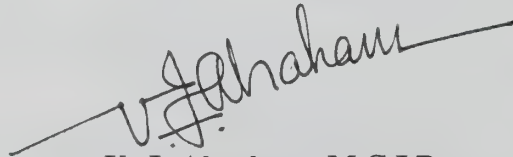
That amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, requesting a further modification to the established "E" (Multiple Dwelling, Lodges, Clubs, etc.) District regulations to permit a 75 unit, 10 storey multiple dwelling (apartment building), fronting onto Robinson Street; and, a 123 unit, 10 storey, multiple dwelling (apartment building), fronting onto Charlton Avenue West, including a day nursery for up to 65 children, to be developed in conjunction with the retention of part of the Thistle Club, for property located at 85 Robinson Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- it conflicts with the intent of the Official Plan in that the scale, density and bulk of the development would be incompatible with the established character of the surrounding area. In this regard, the proposal would have a gross floor area ratio of 2.8 x lot area (approximately 22,128.67m<sup>2</sup> or 238,198 square feet), whereas a ratio of 1.7 x lot area (approximately 13,381.32m<sup>2</sup> or 144,040 square feet) is permitted for conventional apartment development in the "E" District;
- approval of the application would encourage other similar applications which, if approved, would create an undesirable extension of high density, high rise apartment development in this portion of Durand Neighbourhood; and,

- there is no demonstrated need or justification for an increase in density from the existing "E" District provisions.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

- Proposal

The applicant originally proposed to further modify the existing "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to allow development of the subject lands for two (2), ten (10) storey mixed use buildings as follows:

Robinson Street building

- 75 unit multiple dwelling (co-op apartments) with Community and Health Services and Community Social Services Centre;

Charlton Avenue building

- 123 unit multiple dwelling (co-op apartments) with Resident Program Space and a Day Care Centre for up to 40 children (day nurseries are permitted "as-of-right" in an "E" District subject to the provision of adequate parking); and,

- the retention of a portion of the Thistle Club.

The application included the retention of the existing "E" District modified zoning for a residential care facility for a maximum of 162 residents over the age of 60 and a 110 unit multiple dwelling (condominium apartments), as is currently permitted in the present by-law (By-law No. 88-261) applicable to the subject lands.

The applicant intends to develop the subject lands in accordance with the approved Site Plan (DA-88-39 approved on January 3, 1990).

The applicant stated their intent to sever the subject lands into three blocks (see APPENDIX "B" attached). To date, no application has been received by the Regional Land Division Committee.

The application was subsequently revised to: delete the Community and Health Services and the Community, and Social Services Centre; increase the capacity of the day nursery to 65 children; and, to delete reference to "co-op" apartments. Accordingly, the amended application comprises the following:

Robinson Street building

- 75 unit multiple dwelling (non-profit apartments);

Charlton Avenue building

- 123 unit multiple dwelling (non-profit apartments) and a day nursery for up to 65 children; and,

- the retention of a portion of the Thistle Club.

The provision for the residential care facility and the 110 unit multiple dwelling (condominium apartments), and the applicant's intent to sever the lands still apply to the amended application.

It should be noted that the requested further modification would allow the applicant the option of developing the lands as noted above or the "E" District or the "E" District modified under By-law No. 88-261 which would permit a 110 unit condominium and residential care facility for up to 162 residents over the age of 60.

- Public Information Meeting - September 15, 1993

On September 15, 1993, the applicant held a Public Information Meeting (based on the original proposal) at 7:00 p.m. at Hamilton City Hall. The meeting was attended by approximately 90 interested residents. Concerns with the proposal expressed at the meeting included:

- financing and ownership of the project;
- amount of assisted housing proposed given the amount already in the Neighbourhood;
- impact of the development on property taxes;
- impacts of traffic and parking on the area;
- clarification of co-op ownership versus co-op management;



- provision of daycare and clarification on the number of children; and,
- the number of units identified for special needs.
- By-law No. 88-261  

City Council, on November 8, 1988, passed By-law No. 88-261 which modified the existing "E" (Multiple Dwellings, Lodges, Clubs, etc.) District on the subject lands. This By-law provides for the development of a ten storey "lifestyle" retirement community comprised of the following:

  - a residential care facility with a maximum of 162 residents over 60 years of age;
  - a 110 unit condominium apartment building;
  - the retention of a portion of the Thistle Club;
  - a maximum gross floor area of 22,130 m<sup>2</sup> (238,213 square feet); and,
  - a minimum of 173 parking spaces.
- Site Plan Application DA-88-39  

Site Plan Application DA-88-39 for the subject lands was received March 28, 1988 and received final approval January 3, 1990. The approved Site Plan was based on the development contemplated by By-law No. 88-261.

#### **APPLICANT:**

Latco (1986) Developments Limited, owner.

#### **LOT SIZE AND AREA:**

The subject property has:

- 86.41 m (283.5 feet) frontage on Robinson Street;
- 53.02 m (173.9 feet) frontage on Park Street;
- 74.98 m (246 feet) frontage on Charlton Avenue; and,

- approximately 0.8 ha (2 acres) of lot area.

#### LAND USE AND ZONING:

|                          | <u>Existing Land Uses</u>   | <u>Existing Zoning</u>  |
|--------------------------|---|---|
| <u>Subject Lands</u>     | Private Recreation (Thistle Club)   | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified.  |
| <u>Surrounding Lands</u> |   |   |
| to the north             | Apartment Buildings   | "E-3" (High Density Multiple Dwellings) District.   |
| to the east              | Hamilton Officers Club & medical offices  | "C" (Urban Protected Residential, etc.) District modified and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District. |
| to the south             | Single-family dwellings and Durand Park   | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.   |
| to the west              | Single-family dwellings, converted dwellings, medical office and apartment building | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.   |

#### OFFICIAL PLAN:

The subject lands are designated **Major Institutional** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies are noted:

- "A.2.6.1      The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

- A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:
- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
  - ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
  - iii) Adequate provision has been made for access by the physically disabled and senior citizens.
- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

The subject lands are located within **Special Policy Area 3** on Schedule 'B' - Special Policy Areas. The following policies apply:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site;
- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;"

The following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;



- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
  - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
  - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
  - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

On the basis of the foregoing, the development conflicts with the intent of the Plan in that the scale, density and bulk would be incompatible with the established character of the area. Approval of the application however, would not require an amendment to the Official Plan .

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Institutional & High Density Apartments" on the approved Durand Neighbourhood Plan. Technically, the proposal does not conflict with the approved Neighbourhood Plan. In this regard, it should be noted that the Neighbourhood Plan was amended from "Civic and Institutional" to "Institutional & High Density Apartments" to permit the development contemplated by By-law No. 88-261 (i.e. "lifestyle" retirement community).

## COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority, the Board of Education for the City of Hamilton and, the Hamilton-Wentworth Separate School Board advise they have no comment or objections.

- The Department of Health Services advises:

"Following perusal of the above-noted zoning application, this Department has no objection to the proposal as submitted. The applicant should be advised that he/she must submit plans of the proposed day care centre to this office prior to commencement of construction or alterations."

- The Ministry of Housing advises:

"The proposal to re-zone the subject property to permit the development of 198 residential apartment units in two buildings is consistent with the objectives of the provincial Policy Statement on Land Use Planning For Housing.

Specifically, by virtue of the built form, density and unit types proposed, the proposal satisfies sections 4.1 and 4.2 of the Policy Statement by providing opportunities for a mix and range of housing types and for a minimum of 25% of the units to be affordable as defined in the Policy Statement. In addition, the proposal represents a form of residential intensification and may be consistent with Section 5.1 of the Policy Statement subject to the three tests prescribed in section 5.1.a. of the Policy Statement being satisfied.

Please be advised that at this time no non-profit housing program allocation has been awarded to a sponsor group to develop this site for socially assisted housing. It may very well be that the intention of the proponent is to develop the site (or a portion of the site) for non-profit housing. Should this be the case, application would have to be made to the Ministry of Housing, and program requirements would have to be satisfied in order for the program application to be successful."

- The Building Department advises:

"The proposed uses of a multiple dwelling and a Day Nursery are permitted uses subject to providing parking and loading.

The proposal to divide the site into three separate lots would contravene the provisions for setbacks, gross floor area, landscaped areas, and parking and loading requirements for each use on each lot.

Further detailed plans would be required to determine the actual variance to the existing provisions of the zoning by-law."

- The Department of Social Services comments on the original application advises:

"In response to your request for comments on the above, we submit the following report. In the preparation, we have gathered further details about the development from East Kiwanis Community Services, the YWCA, and Fothergill Planning and Development.

The changes proposed for the development are ones that we can support because:

- 1) There does not appear to be a need for residential care beds in the Region at this time; this item was part of the original proposal and we concur with its deletion.
- 2) The space allocated for community and health services is a positive thrust, although plans are not complete for its use. The health and social service programmes in the Region are trying to become more neighbourhood-based and this site could assist in that development.
- 3) The proposed day care centre will be operated by the YWCA. Though other day care centres exist in the City's downtown core, none are presently located in the identified section bordered by Charlton Avenue, Bay Street, Robinson Street, and Park Street South. This area of the Region has few such facilities. In addition to tenants of the complex, the centre could also serve parents who work in the downtown area. It will likely serve 40 children. Parking for the day care centre would appear to be adequate.
- 4) The YWCA also plans to manage approximately 8 units of housing for developmentally disabled persons. YWCA personnel, Supported Independent Living (SIL) staff, will assist these tenants when necessary to maintain self-sufficiency in their apartment settings. This part of the proposal addresses the need for more SIL programming as the number of developmentally disabled persons continues to increase in the community.
- 5) Both buildings in the complex (Le Centre and Kiwanis/YWCA) will provide some rent-geared-to-income units. There is a very substantial need for low-cost rental housing in Hamilton-Wentworth at the moment; this need is expected to continue for several years, so this complex will help to meet this local problem."

- The Traffic Department advises:

"In response to your memorandum of 1993 November 03, please be advised that we have reviewed the above-noted revised application and have the following comments.



It is our understanding that the building structure and form will remain the same as permitted by the existing by-law. The Robinson Street building will have 75 dwelling units and the Charlton Avenue building will have 123 units plus a daycare centre that can lawfully accommodate a maximum of 65 children. The Planning Department has informed us that the Thistle Club verbally stated that they will remain the same i.e. 11 racquet courts and a restaurant/banquet facility with a maximum seating capacity of 150 people.

It is our understanding that we are to disregard the draft proposed by-law attached to this revised application and to use the approved site plan regarding the supply and location of parking and loading spaces.

Based on the above information, we agree that the surrounding roadway network would be capable of handling all traffic generated by this site in a satisfactory manner. However, we recommend that the proposed 232 parking spaces which is in excess of the required number of parking spaces stated in the Zoning By-law, be written into the site by-law as the minimum number of parking spaces required for the site."

- The Roads Department advises:

"There are public watermains and combined sewers available to service the subject lands.

In conjunction with this application, the applicant has previously submitted Site Plan Control Application DA-88-39. In our response, dated May 6, 1988, to the Planning Department (copy attached) on the site plan we have a number of concerns which do not appear to have been addressed to date. These comments are still applicable to this development application. However, should the site plan be changed in any way from the previous submission, these plans must be sent to this office for our review and approval.

Should this property be severed into three separate holdings, we recommend that consideration be given to establishing rights of ways on title between the separate owners for access, parking etc. Comments from the City of Hamilton Traffic Department on this matter, parking and loading facilities, Approach Approvals, etc. should be considered."

- LACAC, at their meeting of November 15, 1993, passed the following motion:

"That LACAC not support the current application for rezoning to permit the construction of two ten-storey residential buildings on the Thistle Club site and that the attached comments prepared by LACAC for the preceding application be applied to the current application."

The previous comments were:



"1. Architecture:

The first priority is to conserve the original facade of the 1889 Curling Rink section (the facade west of the corner racquet club). The Research Sub-committee agreed that the Curling Rink facade was worthy of designation in its entirety. The Racquet Club at the corner has undergone major alteration and is therefore not considered worthy of designation by itself. The incorporation of the central bay of the original 1889 Curling Rink in the proposed structure has a symbolic function by re-using part of the building as an artifact but does not constitute the preservation of the original building.

2. Context:

Concern was expressed that an increased density bonus would work against a successful integration with the nearby residential neighbourhood."

**COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan in that the scale, density and bulk would be incompatible with the established character of the surrounding area. However, approval of the application would not require an amendment to the Official Plan.
2. The proposal does not conflict with the intent of the approved Durand Neighbourhood Plan.
3. The following is a summary of the positive and negative aspects of the proposed development:

Positive Aspects

- it is suitably located in close proximity to the downtown core; and,
- it would provide the opportunity for affordable housing in the Central Area close to public transit, cultural, social, educational and recreational facilities.

Negative Aspects

- the size, density and bulk of the development would be incompatible with the character of established development in the surrounding neighbourhood;

- it would result in the demolition of a listed historical building ("Curling Rink" facade), which has been identified as being worthy of designation for architectural conservation; and,
  - approval of the application would encourage other similar applications which, if approved, would create an undesirable extension of high density, high rise apartment development in this portion of Durand Neighbourhood.
4. The proposed development (198 apartment units, a day nursery for up to 65 children and the retention of the Thistle Club) would provide for a total gross floor area of 22,128.67 m<sup>2</sup> (238,198.8 square feet) for a floor ratio factor of 2.8 x lot area. The proposed floor area ratio is consistent with By-law No. 88-261, which permits the development of a **"high quality lifestyle" retirement community**. The present proposal however, is a for a **high density apartment development**, including a day nursery. Notwithstanding the similarity in the floor area ratios, the uses contemplated by the current proposal are different, and therefore their impacts on the community will be different. In this regard, the proposed development will not be in harmony with human scale.

The "E" District provisions presently applicable to the subject lands would permit a maximum gross floor area of 1.7 x lot area or 13,381 m<sup>2</sup> (144,040.6 square feet) for apartment development. The City's highest density residential district is the "E-3" (High Density Multiple Dwellings) District. It permits a maximum gross floor area of 2.55 x lot area or 20,638.3 m<sup>2</sup> (222,156 ft<sup>2</sup>). (See APPENDIX "C" attached). In comparison, the present proposal for a further modification to the "E" District provisions would result in an apartment development which exceeds the floor area ratio of the City's highest density residential district while not meeting minimum landscape requirements.

Further, the subject lands are located in a "transitional" area with respect to permitted densities in the area. Lands to the north (between Robinson Street and Hunter Street West) are zoned "E-3" District, lands to the east, west and immediately to the south are zoned "E" District, and lands to the south-west are zoned "DE-3" (Multiple Dwellings) District. Lands zoned "C" (Urban Protected Residential, etc.) District start at the rear lot lines of the properties on the north side of Markland Avenue, which is only a block and a half south of the subject lands. In this regard, the Thistle Club property is located in a "threshold" position with respect to the appropriate gradation of densities between the high density development ("E-3" District) located to the north (adjacent to the downtown core) and the low density nature ("C" District) of south Durand Neighbourhood. On this basis, the present "E" District provisions should be maintained to ensure the appropriate gradation in densities. The introduction of high density multiple residential development on the subject lands would erode the intent of the existing zoning to maintain an appropriate gradation of densities.

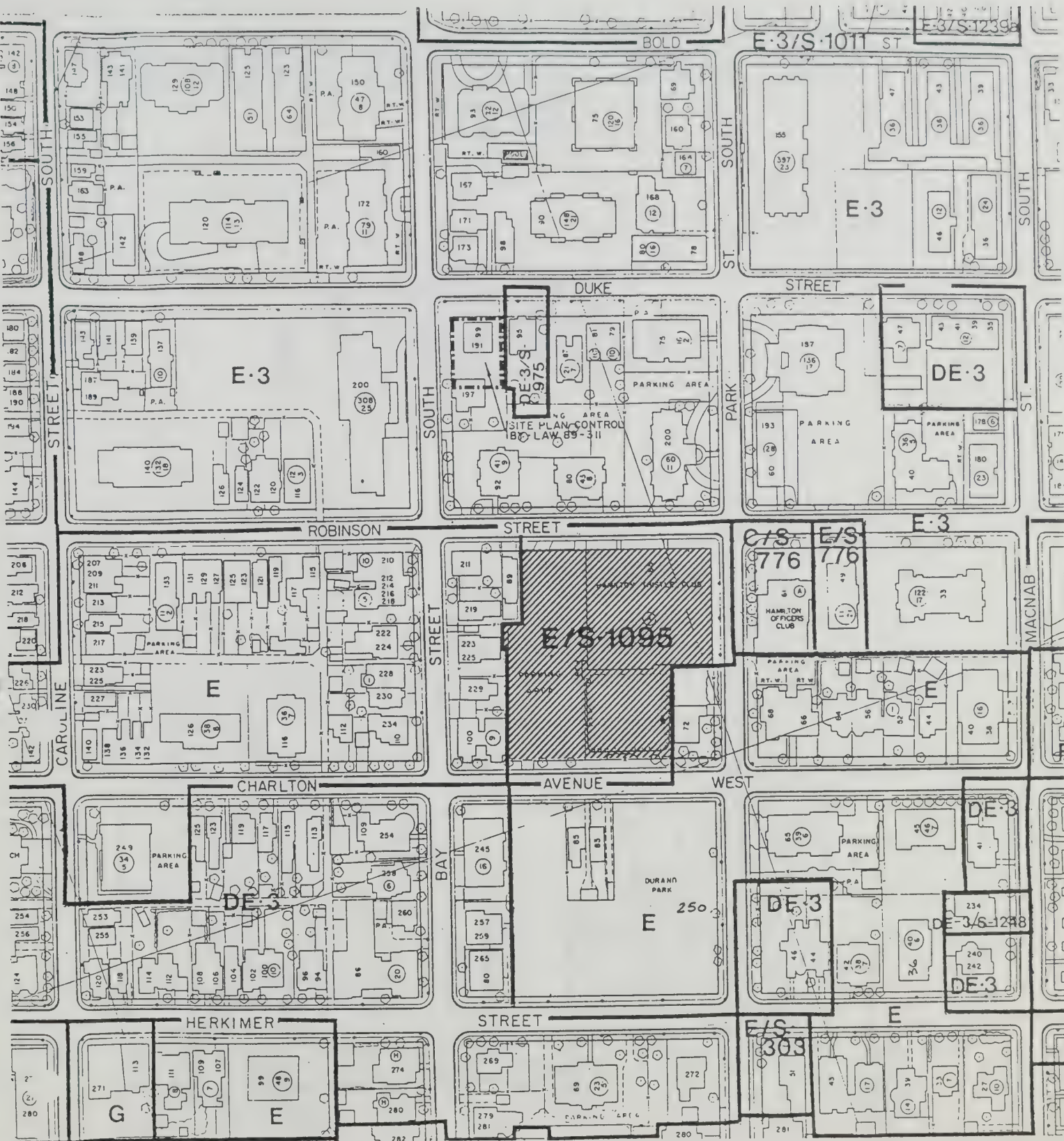
5. LACAC has identified the "Curling Rink" facade as worthy of preservation. Notwithstanding, approval of By-law No. 88-261 has set the stage for development on the subject lands which does not include the preservation of this portion of the Thistle Club. On this basis, precedent with respect to preserving this historic land mark has been established.
6. While the department is supportive of providing opportunities for affordable housing, the proposed development, as submitted, cannot be supported for the following reasons:
  - the scale, density and bulk of the development would be incompatible with the established character of the surrounding area. In this regard, the proposal would have a gross floor area ratio of 2.8 x lot area (approximately 22,128.67m<sup>2</sup> or 238,198 square feet), whereas a ratio of 1.7 x lot area (approximately 13,381.32m<sup>2</sup> or 144,040 square feet) is permitted for conventional apartment development under the "E" District regulations;
  - approval of the application would encourage other similar applications which, if approved, would create an undesirable extension of high density, high rise apartment development in this portion of Durand Neighbourhood; and,
  - there is no demonstrated need or justification given by the applicant for the increase in density on the subject lands. In this regard, the applicant has justified this proposal on the basis of retaining "the building form, size and location as permitted by the existing by-law but to modify the internal use of the approved building structure, in reponse to changing community needs."

## CONCLUSION:

On the basis, the amended application cannot be supported.

CF/  
93-17

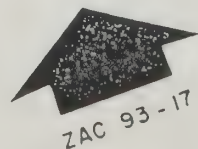




Legend

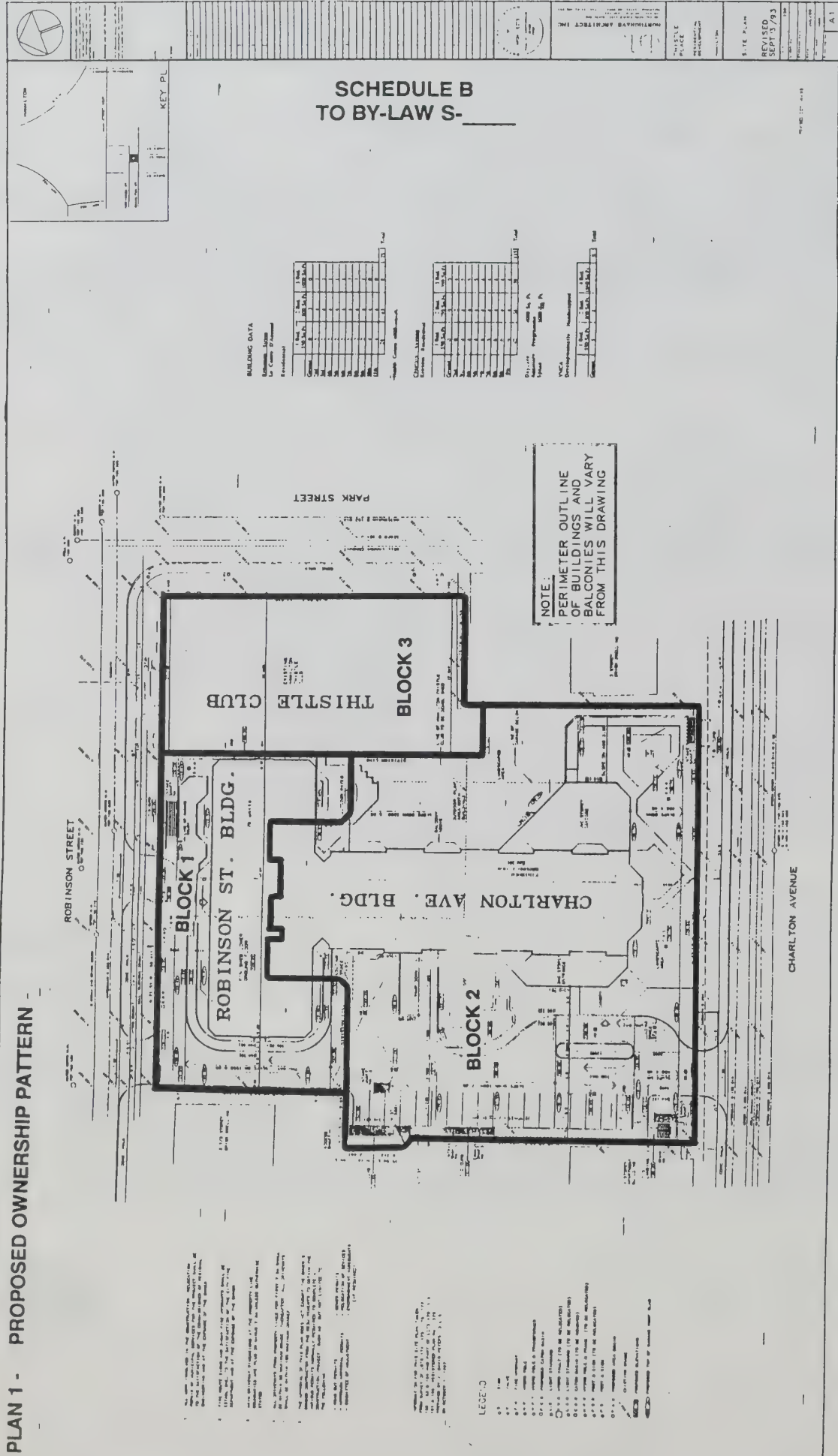


Site of the Application





# PLAN 1 - PROPOSED OWNERSHIP PATTERN



## APPENDIX "C"

|                                    | <u>"E" District</u>                           | <u>"E-3" District</u>                       | <u>Proposal</u>                               |
|------------------------------------|---|---|---|
| Max. Gross Floor Area Ratio        | 1.7 x lot area                                | 2.55 x lot area                             | 2.8 x lot area                                |
| m <sup>2</sup> (ft. <sup>2</sup> ) | 13,381.3 m <sup>2</sup><br>(144,039.8 sq.ft.) | 20,638.3 m <sup>2</sup><br>(222,156 sq.ft.) | 22,128.7 m <sup>2</sup><br>(238,191.6 sq.ft.) |
| Min. Landscaped Open Space         | 25%   | 40%   | *32%  |
| Max. Height                        | 12 stories                                    | 12 stories                                  | 10 stories                                    |

\* As shown on approved Site plan



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Sept 15 1993

904/92 Robinson Street  
Hamilton L8P 1Z1

4a

Planning & Development Dept  
Caroline Floroff

13/9/93

RECEIVED

I have again been studying the proposed Thistle Club Building Site (85 Robinson) & must strongly oppose any building.

SEP 15 1993  
CITY CLERKS

The roads around this area are daily full of parked cars. More parking meters have been installed recently, which make it impossible for staff at the hospital & local offices to utilise, as they would have to leave their work stations at intervals to put money in the meters. So they now park in the Robinson/Charlton & surrounding roads with NO meters. Then there are the cars now parked on the proposed site. Where are they to park?

The plan to build 198 apartments plus has no provision for parking or space for Service or Social Service Centre. There is already too many apartments in the area. We cannot accommodate another one.

Suitable site may be corner of Bay & Hunter (Church Site) with parking at City Hall.

Yours Truly

Frederick F J Potter

Copy Mr W.M. McCulloch.

cc Tina Donello - Secretary - Planning & Development Committee





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 December 1

4.

NOV 30 1993

70-72 Robinson Street  
Hamilton L8P 1Z1

File ZAC-93-17 SEQ01366

24/11/93  
RECEIVED

DEC 01 1993

Dear Sirs:

Business reply card enclosed:-  
See my letter Sept-13<sup>th</sup> Mr W. McCulloch  
replied Sept-21<sup>st</sup>. Absolutely opposed mainly on  
cost parking. You need underground parking  
for at least 300 cars & drive ways for the  
day nursery facilities.  
etc Mention made, I wonder why?

Yours Sincerely  
Frederick F. J. Potter



FPD

F O T H E R G I L L      P L A N N I N G      &      D E V E L O P M E N T

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

September 27, 1993

Ms. Tina Agnello, Secretary  
Planning and Development Committee  
City of Hamilton  
City Hall  
71 Main St. W.  
Hamilton, Ont. L8N 3T4

RECEIVED

SEP 30 1993

-- CITY CLERKS

Dear Ms. Agnello:

**Re:    Application for Rezoning  
      Thistle Club Property  
      Robinson Street, City of Hamilton**

Please accept this letter as a request that the rezoning application made on behalf of Latco (1986) Developments Limited for the property at 85 Robinson Street be considered at a special meeting of the Planning and Development Committee in October or November. I understand the application is being circulated by the Planning Department for comment. We are providing assistance to the Planning Department in terms of information as requested and we will continue to help ensure the application is properly prepared for consideration by the Committee.

The owner and his consulting team will be in attendance at Planning Committee to make a thorough presentation to the Committee. We would expect that presentation could take approximately one hour. Given the interest in this project by the community, it is suggested that an appropriate meeting place be arranged to accommodate the number of people who may attend the meeting.

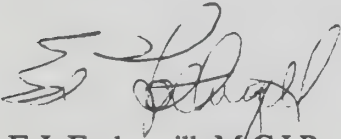
As you have seen from correspondence copied to yourself, a public open house has been held to review this project with the neighbourhood. Notwithstanding that meeting and an open ended invitation to meet further with the residents, we feel it is prudent to send the application to the Ontario Municipal Board. This action is not an attempt to short-circuit the approval process or to limit further discussion and negotiation, but rather to provide some certainty with respect to timing in what can be an open-ended process. Certainly if the application is approved and no objections are received, the appeal to the Board will be abandoned.



If you have any further questions, please do not hesitate to contact my office.

Sincerely,

**FOTHERGILL PLANNING AND DEVELOPMENT**



E.J. Fothergill, M.C.I.P.  
President

cc. H. Turkstra  
L. Popofsky  
R. Peddie  
D. Drury, Chairman of Planning Committee  
M. Sheppard  
P. Mallard, Planning Dept.  
Councillor McCullough  
Councillor Agro

AND - 11/15/72 - 11/15/72 - 4

RECEIVED  
RIGHTS TIME AMST

AND

OCCUPY A MULTIPLE DWELLING APARTMENT?

OPERATE THE RESIDENT PROGRAM SPACE & DAY CARE CENTRE?

HOW MANY ADDITIONAL PERSONS WILL USE THE DAY CARE CENTRE?

WILL THE PROPOSAL CREATE A VERY HIGH DENSITY POPULACE WITHIN SUCH A SMALL LAND SPACE?

IT APPEARS SUCH A PROPOSAL & RESULTING HIGH DENSITY POPULACE COULD REQUIRE ADDITIONAL FIRE, POLICE ACTIVITY?

WHAT TYPE OF SOCIAL SERVICES ARE TO BE PROVIDED FOR, & TO WHAT SPECIFIC PEOPLE WITH WHAT PARTICULAR SOCIAL PROBLEMS

★ OPPOSED TO THE PROPOSED ZONING FOR THE THISTLE CLUB SITE - 85 ROBINSON ST. HAMILTON

| NAME                   | ADDRESS         |          |          |               |
|------------------------|-----------------|----------|----------|---------------|
| DOROTHY LYON           | 69 HERKIMER ST. | APT 401  | 527-7579 |               |
| Jasper Grant           | 69 Herkimer St. | APT. 403 |          |               |
| Jack Budak             | 69 Herkimer St. | APT. 403 | 528-4108 |               |
| CONNIE KINRADE         | ✓               | ✓        | ✓        | 503.          |
| JEAN HARRIS            | ✓               | ✓        | ✓        | #402 525-9021 |
| Nan Smith              | 69 Herkimer St  | 604      | 522-2470 |               |
| Jim SMITH              | 69 HERKIMER ST. | 604      | 522-2470 |               |
| JOE SMITH              | 69 HERKIMER ST  | 303      | 527-6933 |               |
| AURELIA KUCHYNSKI      | ✓               | 404      | 525-1400 |               |
| Doris Hudson           | ✓               | 521      | 3009     |               |
| MAY DAWSON             | ✓               | 102      | 522-4510 |               |
| Mollie Mullen          | ✓               | 201      | 527-7288 |               |
| Mabel Brzezicki        | ✓               | 204      | 528-5785 |               |
| Ellen M. Klee          | "               | 304      | 522-1283 |               |
| Gordon Grace           | "               | 502      |          |               |
| David L. Shaw          |                 | 602      | 522-8522 |               |
| Ann Gordon             | "               | 603      |          |               |
| Barbara Dodd           | "               | 302      | 5296566  |               |
| Ernest Laff            | "               | "        | "        |               |
| Edna Duval             | "               | 501      | 525-1245 |               |
| Stan House             | 69 Herkimer     | 203-     | 525-2438 |               |
| Marie House            | "               | "        | "        |               |
| Shelene & George Lewis | 272 Park St. S  |          | 526-8449 |               |

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 NOV 11

39 Duke Street, level 1,  
Hamilton, Ontario L8P 1X2.  
November 5 - 1993.

4e)

Alderman D. Drury, Chairman,  
Planning & Development Committee,  
City of Hamilton,  
City Hall, 71 Main Street West,  
Hamilton, Ontario L8N 3T4

Dear Mr. Drury,

Subject: Thistle Club Site Proposal  
File Number: ZAC - 93 - 17

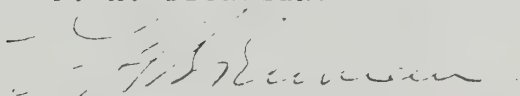
The Durand Community is already short of parking facilities. The large number of Doctors' Offices, clinics and the Hospital itself attract vast numbers of non-Residents who now are unable to park. If three more service centres, one Health, one Social Service, one Day Care are introduced to the Community, it can only exacerbate the situation. (Has allowance been made for the cars that now use the Thistle Club lot, night and day?)

There is already a very high concentration of Social Service homes, special residences and Halfway houses in the community. Do we need more?

I would urge you to deny the request for a Zoning Change for the Thistle Club Site at 85 Robinson Street.

Yours very truly,

F. H. Brennian.



copies to: Alderman V. Agro  
Alderman Wm. McCulloch





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Nov 22

43 Duke Street, Unit 2  
Hamilton, ON L8P 1X2

4f)

November 8, 1993

Alderman D. Drury, Chairman  
Planning and Development Committee  
City of Hamilton  
City Hall, 71 Main Street West  
Hamilton, ON L8N 3T4

Dear Mr. Drury,

**Re. Thistle Club Site Proposal**  
**File Number ZAC - 93 - 17**

Further to our recent telephone discussion, during which you indicated that you could see no reason for a meeting between us, I would like to register my objection to the above proposal.

I object to the term co-operative housing being used since the individual housing units will not be jointly owned but will be rental units administered by non-profit organizations. The new proposal includes provision for a medical clinic, a community centre, day care facilities and sheltered accommodations. These will put a strain on a neighbourhood already severely stretched in terms of traffic, parking and special requirement residences. **The figures presented to the public by the developer do not indicate adequate parking for building occupants and show totally inadequate numbers of spaces for the staff and users of the ancillary services.** I am also concerned at apparent inconsistencies in the figures for parking spaces allotted to the Thistle Club users.

I feel that approval of this proposal by the Planning and Development Committee would amount to a breach of trust on the part of the Aldermen involved. After considerable debate in 1988, the initial proposal (By-Law No. 88-261) was approved. The City is now considering a major change to this proposal; **this change in no way reflects the views of the local residents who worked so hard with the City in 1988 to achieve a satisfactory compromise.**

The current proposal is satisfactory to the neighbourhood residents. I would ask you to deny the request for the Zoning Change to the existing Thistle Club Site proposal when your committee considers this item.

Yours sincerely,



Patricia J. Baker.

cc Alderman V. Agro, Alderman Wm. McCulloch



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Nov 26

Planning & Development Committee  
City Hall  
71 Main St. W.  
Hamilton Ont. L8A 3T4.

49  
FRANCES or PETER FLAHERTY  
49 Robinson St. Suite 401  
Hamilton, Ontario L8P 1Y7

Nov. 24/93

RECEIVED

NOV 26 1993

Dear Madam/Sir

In reply to the amended application <sup>CITY CLERKS</sup> you have received from Latco (1986) Developments Ltd. for lands located at 85 Robinson St. We are opposed to this amendment mainly because the taxpayers have not been advised by City Hall that this development is subsidized housing. Each & every taxpayer in this vicinity should be advised of this if it is true. It is also our opinion that Chilton Ave & Bay St. could not handle the additional traffic at rush hours.

Yours truly  
P. T. Flaherty  
Frances O'Brien - Flaherty





NOV 24 1993

49 Robinson St. #600  
Hamilton, Ont.  
L8P 1Y7

NOV 24 1993

Nov. 23. 1993

Re Proposed Change of  
#85 Robinson St.

I oppose the land use proposed for the following reasons:

- (1) Your letter accompanying the ballot failed to state the majority of the proposed rental units were to be subsidized rental units.
- (2) Within a 2 block area of #85 Robinson we have the highest density of apartments and condos. More apartments will add significantly to the density situation with its attendant parking, traffic and congestion.
- (3) The project - at the information meeting was claimed to be a co-op housing scheme. It is not - in fact it is a jointly owned and managed proposal.

(2)

NOV 24 1993

(4) Part of the structure was to house market rental units. Every apartment in the area has vacancies. If as I predict the market rental units don't sell the subsidized units will increase in number.

(5) Claims will be made we (the area) by population has a low percentage of group homes - half way homes, subsidized housing etc. This claim is based on a population of high density apartments while other areas are judged on more single family homes and fewer apartments.

(6) In actual number the area has a higher proportion of group homes etc than most if not all areas of the city.

I trust your deliberations will take the above negative impact into consideration and will reject the proposed change which in my opinion is nothing more than a bail-out for the developer who

(3)  
missed the market with his  
original intention of providing  
luxury but a limited number of  
condos.

Yours truly  
Geo. B. Millar

NOV 24 1993


PROPOSED CHANGE - MODIFICATION TO THE ESTABLISHED E DISTRICT REGULATIONS  
PROPERTY DESCRIPTION - NO. 85 ROBINSON STREET

I AM IN FAVOUR OF ( )

NOV 24 1993

OPPOSED TO (X) (PLEASE CHECK (V) WHICH)

THIS PROPOSED FURTHER MODIFICATION IN ZONING

 SIGNED

.....  
MILLAR GEORGE B  
MILLAR ELEANOR F  
49 ROBINSON ST  
APT 600  
HAMILTON ONT

PLEASE DIRECT INQUIRIES TO

.....  
LBP 1Y7

PLANNING DEPT 546-4445

.....  
FILE-ZAC-93-17 SEQ-01246

NOV 24 1993





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 NOV 29

4i)

RECEIVED

NOV 29 1993

November 29, 1993

Secretary, Planning & Development Committee  
City Clerk's Department  
City Hall  
Hamilton, Ontario  
L8N 3T4

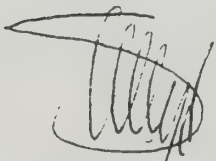
CITY CLERKS

**RE: Latco Developments Limited proposed development at No. 85 Robinson Street**

I am opposed to the proposal for 85 Robinson Street put forward by Latco Developments Limited. The proposal plans to develop 198 apartment units and a day nursery for 65 children, but fails to offer any information on parking facilities for the 198 tenants, their visitors, or the day nursery staff and parents of the children. Will there be 263+ parking spaces? If at least 250-275 parking spaces are not built into the proposal, it will only add to the terrible congestion already experienced in our area.

Thank you for taking my concerns into account when considering this proposal.

Sincerely,



Dr. Stephen Lloyd  
39 Duke Street  
Unit 3  
Hamilton, Ontario  
L8P 1X2



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated 1993 December 1



**DURAND  
NEIGHBOURHOOD  
ASSOCIATION  
INC**

c/o CITY CLERK  
CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

45  
**RECEIVED**

DEC 01 1993

CITY CLERKS

104 Aberdeen Avenue,  
Hamilton, Ontario.

L9P 2N8

December 1, 1993

Ms. Tina Agnello, Secretary  
Planning and Development Committee  
City of Hamilton, City Hall  
71 Main St. W.  
Hamilton, Ontario L8N 3T4

Dear Ms. Agnello:

**Re: Application for Rezoning  
Thistle Club Property  
Robinson Street, City of Hamilton**

Please accept this letter as a request by the Durand Neighbourhood Association to address the Planning and Development Committee on December 8, 1993 on the application for rezoning of the Thistle Club property.

If possible, could you phone me at 383-3371 (work) or 522-6961 (home/answering machine) to confirm our ability to respond to the application?

Also, I was originally informed that the application would be dealt with at @ 9:45 A.M. but subsequently learned that it might arise at @ 10:30-11:00 A.M. Could you inform me of the latest estimated time the committee would deal with the above application?

I thank you for your attention to my request.

Yours truly,

*Marvin R. Sheppard*

Marvin R. Sheppard, President





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Dec 2

DEC 1 1993

RECEIVED

DEC 01 1993

CITY CLERKS

Mark E. Skuse,  
3 - 41 Duke Street  
Hamilton, Ontario  
L8P 1X2

26th November 1993

Alderman D. Drury, Chairman,  
Planning & Development Committee,  
City of Hamilton,  
City Hall, 71 Main Street West,  
Hamilton, Ontario L8N 3T4

Dear Mr. Drury:

Re: Thistle Club Site Proposal  
File No: ZAC - 93 - 17

We were unsuccessful in getting our schedules together for a brief meeting on the Thistle Club proposal so I have written down a summary of my concerns.

At the meeting the developer held for the community in September, I am sure it became very evident to all who attended that the community is very much opposed to any change in use from the original by-law.

Many reasons were vented at the meeting, some of which I relayed to you in telephone conversations. I was quite frankly shocked that you referred to some of the many concerns as "irrelevant". I consider any concerns of the community to be seriously considered, especially by elected representatives. I feel compelled to remind you of these concerns as they are well researched and are very relevant to the Thistle Club Site proposal.

One concern is related to the fact that the proposal is for subsidized housing versus the original proposal where half of the 180 units were owned. This is a very sensitive and relevant issue to our community. Property owners in this area have not experienced the same rate of escalation in property values over the past ten years as some other neighbourhoods in the city.

The reasons are obvious to prospective investors and home buyers. The Durand neighbourhood has the highest concentration of subsidized housing, group homes, etc. per capita in relationship to neighbourhood land mass than any other area of the city. The developer's reports suggesting that we are only at 10-14 in concentration did not factor in population and land mass. When it was factored in we in fact became 1st and 2nd in many of the measurements (also by the developers own admission!).

This concentration results in negative effects upon the community which further contribute to lack of ownership in the neighbourhood.

High traffic congestion and lack of street parking is one obvious result of high concentration of rental or subsidized units in the neighbourhood. That is one major factor in the community supporting a senior's complex of condominiums and senior's care units. The increase in required parking area and traffic congestion was not seen, as supported by Hamilton's Traffic Department in 1988, to have a negative effect on the neighbourhood.

The developer's current "traffic report" draws the unconscionable conclusion that the requested change would not affect traffic flow or parking in the neighbourhood. Changing from a senior's condominium and senior's care to 180 units of subsidized housing for all ages, with day care is not going to add to the traffic flow and add congestion to parking? On weekdays, between 9am and 5pm it is already a long if not impossible task to park in this neighbourhood.

Another negative result from too high a concentration of non-ownership units is in neighbourhood security. I know it is not be politically correct for a politician to suggest that neighbourhoods with too high a concentration of subsidized housing have higher response rates from the police department. Before you suggest that it is the concentration and not the nature of ownership which reflects the higher crime statistics for the neighbourhood, may I suggest you do some research at the police station. Calls to subsidized units in the neighbourhood are at a higher rate than the ratio of subsidized units to ownership units in the neighbourhood. Everyone in the community knows this and has a legitimate concern to adding to the already high concentration of non-ownership units in this neighbourhood.

It would also seem to me to be rather poor long term planning on the city's part to further dilute the neighbourhood by adding to density of subsidized housing. The tax base in this neighbourhood has already been reducing; does it make sense to further reduce the tax base rather than add to it?

At the meeting the developer claimed that the reason for requesting a change of use in the by-law was that market conditions changed after 1988, thereby making condominiums for seniors and unprofitable venture. I was not aware that in a free enterprise system where investors are well aware of the risks, that the City and community should feel compelled to change their priorities and the by-law so the developer can make a profit.

This leads me to my final point. It appears to me that the City has thus far looked into the proposal from a bureaucratic perspective. That is, does each inherent part of the proposed change fall within City guidelines? We must depend on our elected politicians to look at the overall issue which to me is the key issue.

To allow the developer to change the use of the site from the original proposal would be breaking trust with the community. Any politician who supports the developer at committee level or on council is also breaking trust with the community.

In 1988 the developer, community and City came to a consensus. It was hotly contested at the community level but assurances from the city that the agreed by-law would be adhered to resulted in the Durand Association approving the proposal to allow development on this site under the conditions agreed upon.

With that knowledge, both the City and politicians could vote in favour of the by-law. If the neighbourhood had not supported the compromise then the developer would not even have had the right to develop in the first place! For the City to even consider the possibility of proceeding without having the community on side, is a clear break of trust with the community.



Breaking this trust will have significant ramifications because it will be sending the very negative message to our neighbourhood that the City does not stand by it's original agreements with the neighbourhood. The Planning and Development Committee should kill this proposed change now and tell the developer that unless the community is brought onside, no change will be forthcoming. At the very least, if that can't be done, then the proposal should be on the ballot in the next election.

I trust these points will be seriously considered. I will be in attendance at the public Planning & Development meeting in early December, hoping to see our elected politicians on the committee insist on keeping trust with the community.

Sincerely,



Mark E. Skuse

cc. Alderman V. Agro  
Alderman Wm. McCulloch  
Alderman F. Eisenberger  
Alderman D. Agostino  
Alderman T. Anderson  
Alderman D. Wilson  
Alderman T. Jackson  
Alderman T. Cooke

5.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 December 2

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

**SUBJECT:** 1994-2003 Provisional Capital Budget.  
Community Renewal Section, Public Works Department

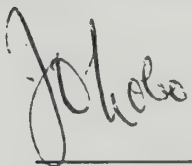
RECEIVED

DEC 03 1993

CITY CLERKS

**RECOMMENDATION:**

That the Planning and Development Committee consider the attached capital projects from the Public Works Department for consideration in the ten year 1994-2003 Provisional Capital Budget to be reviewed and recommended by the Management Team for consideration of the Committee of the Whole and City Council.



**D. Lobo**  
Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

*All cost estimates have been prepared by the Public Works Department and the annual current budget impact for each project is included with the capital budget submission.*

*The individual project costs are detailed on the attached submission forms and separate project estimates will be available for the review of the Planning and Development Committee at its meeting to be held on 1993 November 24.*

*From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.*

*There are no new staffing positions proposed with these Public Works Department Capital Budget Projects.*

## BACKGROUND:

### Corporate Overview:

The proposed 1994 - 2003 Capital Budget currently represents a \$130,363,000 increase in gross cost over the 1993 - 2002 Capital Budget noted as follows (000 's):

|   | <u>Gross</u>     | <u>Subsidy</u>    | <u>Net</u>       |
|---|------------------|-------------------|------------------|
| 1994-2003 Proposed Capital Budget (1994-2003 costs) | \$365,829        | \$ 47,493         | \$318,336        |
| 1993-2002 Approved Capital Budget (1994-2002 costs) | <u>235,466</u>   | <u>65,153</u>     | <u>170,313</u>   |
| Over/(Under)  | <u>\$130,363</u> | <u>\$(17,660)</u> | <u>\$148,023</u> |

## NET CAPITAL BUDGET BY YEAR

|      | <u>Net Cost (\$000 's)</u> |                       |                     |
|------|----------------------------|-----------------------|---------------------|
|      | <u>Past</u>                | <u>Proposed</u>       |                     |
|      | <u>1993-2002</u>           | <u>1994-2003</u>      |                     |
|      | <u>Capital Budget</u>      | <u>Capital Budget</u> | <u>Over/(Under)</u> |
| 1994 | \$ 15,525                  | \$ 22,521             | \$ 6,996            |
| 1995 | 23,642                     | 27,077                | 3,435               |
| 1996 | 19,887                     | 25,598                | 5,711               |
| 1997 | 24,042                     | 26,577                | 2,535               |
| 1998 | 21,283                     | 34,947                | 13,664              |
| 1999 | 13,185                     | 31,405                | 18,220              |
| 2000 | 12,301                     | 17,815                | 5,514               |
| 2001 | 25,794                     | 25,040                | (754)               |
| 2002 | 14,654                     | 17,576                | 2,922               |
| 2003 | -                          | 89,780                | 89,780              |
|      | <u>\$170,313</u>           | <u>\$318,336</u>      | <u>\$148,023</u>    |

Note should be made that there is a \$6,996,000 increase being proposed in 1994 at this time. If these projects are financed by debentures there will be an increase in debenture cost of \$1.1 million in the following year and operating cost in the 1994 annual operating budget.

Departmental Overview - Community Renewal

NET CAPITAL PARKS BUDGET BY YEAR

|      | Net Cost (\$000's)                         |  |                     |
|------|--|--|---------------------|
|      | Past<br>1993-2002<br><u>Capital Budget</u> | Proposed<br>1994-2003<br><u>Capital Budget</u> | <u>Over/(Under)</u> |
| 1994 | \$ 500                                     | \$ 500   | \$ N/A              |
| 1995 | 200  | 200  | N/A                 |
| 1996 | 100  | 100  | N/A                 |
| 1997 | 2,200                                      | 1,400  | (800)               |
| 1998 | 400  | 1,800  | 1,400               |
| 1999 | -  | 500  | 500                 |
| 2000 | 400  | 700  | 300                 |
| 2001 | 700  | 920  | 220                 |
| 2002 | -  | 940  | 940                 |
| 2003 | -  | 1,348  | 1,348               |
|      | <u>\$ 4,500</u>                            | <u>\$ 8,408</u>                                | <u>\$ 3,908</u>     |

The following is a brief explanation of the 1994-2003 Capital Budget submissions of Community Renewal, Public Works Department. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works Department, apart from neighbourhoods that were formerly identified for revitalization under the Provincial PRIDE Program:

**1. Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE)**

Community Renewal Staff, Parks Division, Public Works Department have applied for funding under the PRIDE Program since its inception and have been successful in receiving allocations on a regular basis. Items that have been funded through the PRIDE Program have included the development/redevelopment of parks, lighting, buffering of incompatible uses, tree planting etc. A comprehensive public participation process is undertaken to identify expenditure for the funding. In past



PRIDE projects all, or a large portion of the allocation, has been identified for expenditure on developing/redeveloping parks through the public process.

The project areas are identified through the Parks Staff Committee on a needs basis. Existing infrastructure within the area is reviewed to determine the areas of priority for revitalization. The Parks Staff Committee's recommendation is channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

The 1994-2003 Capital Budget submission for neighbourhood improvement projects, recognizes that the Provincial subsidy of 50% (up to a maximum of \$400,000.) under the PRIDE Program is no longer available. Subsidy under the new Provincial program entitled jobsOntario, Community Capital Program will be applied for which finances up to 33% of a project. Areas identified for improvements under this Program include: Crown Point East/McAnulty Phase I, Crown Point East/McAnulty Phase II, Stipeley South, Parkview East and West and Blakeley/St. Clair. The City's cost for these projects is \$400,000. each, with the exception of Parkview East and West. The Parks Development and Maintenance Section of the Public Works

Department has committed and is in the process of completing park improvements of approximately \$500,000. within this area, therefore, the capital funding allotment for this project area has been reduced in recognition of these commitments, to \$200,000. for Parkview East and West.

## **2. Ferguson Avenue Revitalization - Implementation**

A Master Plan and detailed design concepts for the revitalization of Ferguson Avenue will be completed by January 1994. An intensive public participation process has occurred to discover the needs, visions and desires of the community for Ferguson Avenue. The priorities identified will be incorporated into the Master Plan and reflect many aspects of Vision 2020. The Public Works Department is requesting that this project be brought forward for implementation from 1997 to 1995. Subsidies from both the Province's jobsOntario Community Capital and the Federal Government's Active Living and Environment Program will be applied for to increase the amount of money available to implement the project.

## **3. Phase VI of the Downtown Action Plan - Interconnecting Streets**

Under Phase VI, the intention of the project is to use the available funds as seed money to partner with private developers for upgrading the streetscaping around their buildings that are situated on the connecting streets in and around the Downtown Action Plan area to tie in with existing improvements and assist in the revitalization of the Downtown Core area. The funds will be set aside to react to possible joint ventures as they arise. Contact with developers and other stakeholders

in the Downtown Core will be made in an attempt to form partnerships that will maximize City dollars. Combining of both public and private dollars will assist in fostering a feeling of pride in the local community.

**4. Hughson Street Redevelopment, Downtown Action Plan - Phase I**

This project, at a gross cost of \$743,000. is the first phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Hughson Street between King and Hunter Streets will function as an excellent pedestrian connection from the GO Station to the Downtown Core and other major downtown attractions.

**5. Hughson Street Redevelopment, Downtown Action Plan - Phase II**

This project, at a gross cost of \$765,000. is the second phase of the two-phase project referred to above. Phase II is a logical extension of the pedestrian link from Hunter Street to Charlton Avenue and is recommended for commencement in 2002. This project will serve as a continuation of the pedestrian connection to the GO Station, the Downtown Core and other major downtown attractions.

**6. Commercial Improvement Program - for Hamilton 's Business Improvement Areas.**

At the present time approximately \$572,000. remains within the Commercial Improvement Program, and it is anticipated that these funds will be depleted by the end of 1995. The Commercial Improvement Program was a 5 year program approved by City Council at its meeting held 1987 January 29. The objective of the Program is to finance streetscape improvements on publicly owned lands within Hamilton's B.I.A.'s. Items approved for funding have included: benches, planters, banners, lighting, sidewalk widening, speciality paving etc. Included as an eligible item is the funding of murals placed within the B.I.A.'s. up to 50% of the total cost, to a maximum of \$5,000. Also eligible are comprehensive studies the B.I.A.'s have had undertaken to a maximum of \$2,500. or 50% of the total cost. The International Village B.I.A. and Ottawa Street B.I.A. have hired consultants to carry out design and facade studies. The results of these studies can be used by the B.I.A. Board and staff to provide guidelines for future growth and development.

A continuation of the Commercial Improvement Program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Also, consideration must be given to future B.I.A.'s. Hamilton has seven B.I.A.'s at the present time and Community Renewal staff are meeting with representatives from King Street West outside the already established Westdale Village B.I.A. where interest has been shown in forming a B.I.A. or expanding the existing Westdale Village B.I.A. The International Village B.I.A. has recently expanded its boundaries and, staff are meeting with the Rosedale Association to discuss a B.I.A. designation.

**The Corporation of the City of Hamilton**

PROJECT NUMBER \_\_\_\_\_

(Treasury to complete)

**1994-2003 CAPITAL BUDGET**

**INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Crown Point East/McAnulty Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
This is the first phase of a two-phase project which will include improvements to both hard and soft services addressing residential, commercial and industrial needs of the neighbourhood. In Phase I, stress will be placed on the McAnulty Priority One Park located at Holly and McAnulty Boulevard. Phase II will place more emphasis on the recreational/residential needs of the Crown Point East Neighbourhood.
4. DEPARTMENTAL PRIORITY ORDER: 1
5. NATURE OF PROJECT:
 

|  |         |
|--|---------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____   |
| (b) HARD SERVICE                       | _____ x |
| (c) SOFT SERVICE                       | _____ x |
6. PROJECT JUSTIFICATION:
 

|   |         |
|---|---------|
| (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation) | _____ x |
| (b) HEALTH/SAFETY/ENVIRONMENT   | _____ x |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT                                   | _____   |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)                          | _____ x |
| (e) ECONOMIC DEVELOPMENT  | _____   |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR  | _____ x |
| (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure) | _____ x |
| (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)              | _____   |
7. FEASIBILITY STUDY:
 

|                        |          |
|------------------------|----------|
| (a) DATE (MONTH-YEAR): | _____    |
| (b) GROSS COST         | \$ _____ |
8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1994
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
- (b) LESS PROVINCIAL SUBSIDIES:  
       (Identify nature of Subsidy Jobs Ontario -  
       and describe) Community Capital \$ 132,000.
- (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ \_\_\_\_\_
- (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:
 

|                       |                 |
|-----------------------|-----------------|
| - 1994 \$ <u>400.</u> | - 1999 \$ _____ |
| - 1995 \$ _____       | - 2000 \$ _____ |
| - 1996 \$ _____       | - 2001 \$ _____ |
| - 1997 \$ _____       | - 2002 \$ _____ |
| - 1998 \$ _____       | - 2003 \$ _____ |



11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes    

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

10 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

December 1994

(b) GROSS COST (All Inclusive)

\$ 18,620.

(c) LESS RECOVERY/REVENUE

\$           

(d) NET CITY'S COST

\$           

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

(f) GROSS COST (All Inclusive)

\$           

(g) LESS RECOVERY/REVENUE

\$           

(h) NET CITY'S COST

\$ 18,620.

*NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.*

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

**Priority One Park remains undeveloped. Neighbourhood facilities continue to decay.**

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No     Yes x ; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget)

220.0

(b) AT CITY'S COST OF

\$ 400,000.

(c) SCHEDULED TO START IN THE YEAR

1994

\_\_\_\_\_  
Signature of Department Head/  
Local Board Manager

\_\_\_\_\_  
Signature of C.A.O

NOV 05 1993

Date

\_\_\_\_\_  
Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: \_\_\_\_\_

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes     No    

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$           

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$           

*NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.*



The Corporation of the City of Hamilton  
PROJECT NUMBER \_\_\_\_\_  
(Treasury to complete)  
1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Crown Point East/McAnulty Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
This is the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.
4. DEPARTMENTAL PRIORITY ORDER: \_\_\_\_\_ 2 \_\_\_\_\_
5. NATURE OF PROJECT:
- (a) MAINTENANCE OF AN EXISTING PROJECT \_\_\_\_\_
  - (b) HARD SERVICE \_\_\_\_\_ x \_\_\_\_\_
  - (c) SOFT SERVICE \_\_\_\_\_ x \_\_\_\_\_
6. PROJECT JUSTIFICATION:
- (a) STRATEGIC DIRECTION  
(Image of the City, Quality of Life, Transportation) \_\_\_\_\_ x \_\_\_\_\_
  - (b) HEALTH/SAFETY/ENVIRONMENT \_\_\_\_\_ x \_\_\_\_\_
  - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT \_\_\_\_\_
  - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) \_\_\_\_\_ x \_\_\_\_\_
  - (e) ECONOMIC DEVELOPMENT \_\_\_\_\_
  - (f) PRODUCE JOBS IN THE PRIVATE SECTOR \_\_\_\_\_ x \_\_\_\_\_
  - (g) MAINTAIN EXISTING SERVICE  
(Roads, Buildings, Other basic infrastructure) \_\_\_\_\_ x \_\_\_\_\_
  - (h) REDUCE ONGOING COST  
(Staffing and/or resource requirements) \_\_\_\_\_
7. FEASIBILITY STUDY:
- (a) DATE (MONTH-YEAR): \_\_\_\_\_
  - (b) GROSS COST \$ \_\_\_\_\_
8. (a) PROJECT STARTING DATE (MONTH-YEAR) January 1994
- (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1996
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
- (b) LESS PROVINCIAL SUBSIDIES:
- (Identify nature of Subsidy Jobs Ontario -
- and describe) Community Capital \$ 132,000.
- (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ \_\_\_\_\_
- (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:
- |                           |                 |
|---------------------------|-----------------|
| - 1994 \$ <u>100,000.</u> | - 1999 \$ _____ |
| - 1995 \$ <u>200,000.</u> | - 2000 \$ _____ |
| - 1996 \$ <u>100,000.</u> | - 2001 \$ _____ |
| - 1997 \$ _____           | - 2002 \$ _____ |
| - 1998 \$ _____           | - 2003 \$ _____ |

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No ☒ Yes ☐

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions **At time of original submission amount based on matching maximum.**

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

10 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

January 1995

(b) GROSS COST (All Inclusive)

\$ 18,620.

(c) LESS RECOVERY/REVENUE

\$           

(d) NET CITY'S COST

\$           

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

\_\_\_\_\_

(f) GROSS COST (All Inclusive)

\$           

(g) LESS RECOVERY/REVENUE

\$           

(h) NET CITY'S COST

\$ 18,620.

**NOTE:** Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

**Second Phase of Project not completed leaving the Crown Point East Priority One Park undeveloped. Existing shortfall of recreational facilities not addressed. Hard and soft services will continue to decline.**

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐ Yes ☒ ; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget)

219.0

(b) AT CITY'S COST OF

\$ 400,000.

(c) SCHEDULED TO START IN THE YEAR

1994

  
\_\_\_\_\_  
Signature of Department Head/  
Local Board Manager

\_\_\_\_\_  
Signature of C.A.O

**NOV 05 1993**

Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: \_\_\_\_\_

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ☐ No ☐

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$           

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$           

**NOTE:** Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

**The Corporation of the City of Hamilton**

PROJECT NUMBER \_\_\_\_\_

(Treasury to complete)

**1994-2003 CAPITAL BUDGET**

**INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Ferguson Avenue Revitalization - Implementation
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
 Ferguson Avenue is proposed as a three-phase revitalization project. Phase I will include primary treatment to the area between Main and Kelly Streets with purchase and improvement on the CN lands in between Main and King Streets. Phase II entails secondary treatment to Ferguson Avenue from the Escarpment to Main Street and from Kelly Street to Pier 4 Park with emphasis on pedestrian connections at the Perimeter Road and at St. Joseph's Drive to Sam Lawrence Park. This Capital Budget submission includes an allowance to prepare working drawings and contract documents for construction as well as administration costs of the project. This is a preliminary estimate for implementation. A more detailed cost will be identified upon completion of the Ferguson Avenue Master Plan expected in the beginning of January 1994.
4. DEPARTMENTAL PRIORITY ORDER: 3
5. NATURE OF PROJECT:
 

|  |               |
|--|---------------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____         |
| (b) HARD SERVICE                       | _____ x _____ |
| (c) SOFT SERVICE                       | _____ x _____ |
6. PROJECT JUSTIFICATION:
 

|   |               |
|---|---------------|
| (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation) | _____ x _____ |
| (b) HEALTH/SAFETY/ENVIRONMENT   | _____ x _____ |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT                                   | _____         |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)                          | _____ x _____ |
| (e) ECONOMIC DEVELOPMENT  | _____ x _____ |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR  | _____ x _____ |
| (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure) | _____         |
| (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)              | _____ x _____ |
7. FEASIBILITY STUDY:
 

|                        |               |
|------------------------|---------------|
| (a) DATE (MONTH-YEAR): | December 1992 |
| (b) GROSS COST         | \$ 60,000.    |
8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1997  
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 1,800,000.  
 (b) LESS PROVINCIAL SUBSIDIES:  
 (Identify nature of Subsidy \_\_\_\_\_ and describe) \_\_\_\_\_ \$ N/A  
 (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ N/A  
 (d) NET CITY'S COST: \$ 1,800,000.
10. (a) YEAR OF EXPENDITURE:
 

|                      |                 |
|----------------------|-----------------|
| - 1994 \$ _____      | - 1999 \$ _____ |
| - 1995 \$ _____      | - 2000 \$ _____ |
| - 1996 \$ _____      | - 2001 \$ _____ |
| - 1997 \$ 1,000,000. | - 2002 \$ _____ |
| - 1998 \$ 800,000.   | - 2003 \$ _____ |



11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes    

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous projects of similar scope plus applicable inflation. A more detailed cost will result from the completion of the Master Plan for Ferguson Avenue.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

36 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

December 1997

(b) GROSS COST (All Inclusive)

\$           

(c) LESS RECOVERY/REVENUE

\$           

(d) NET CITY'S COST

\$           

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

(f) GROSS COST (All Inclusive)

\$           

(g) LESS RECOVERY/REVENUE

\$           

(h) NET CITY'S COST

\$ 66,850.

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Continued decay of Ferguson Avenue with no active signs of growth particularly adjacent to the newly developed Theatre Aquarius and Beasley Park. Without this revitalization, private developers will not see any encouragement to invest in Ferguson Avenue and future growth will be stifled. In order to properly implement this project, an extensive community plan process is presently being undertaken. No direct pedestrian/bicycle link will exist between the Harbourfront, and Pier 4 Park, the Downtown Core and the Escarpment. An intensive public process has occurred resulting in a considerable amount in the creation of the Master Plan. If not implemented the public will be disillusioned with the process. Subsidies may not be forthcoming under the Provincial Government Jobs Ontario Community Capital and the Federal Government's Active Living and Environment Program.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No     Yes x ; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget)

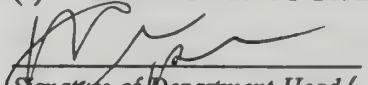
221.0

(b) AT CITY'S COST OF

\$ 1,800,000.

(c) SCHEDULED TO START IN THE YEAR

1997

  
Signature of Department Head/  
Local Board Manager  
**NOV 05 1993**

\_\_\_\_\_  
Signature of C.A.O

Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: \_\_\_\_\_

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes     No    

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$           

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$           

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.



**The Corporation of the City of Hamilton**

PROJECT NUMBER \_\_\_\_\_  
(Treasury to complete)

**1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Stipeley South Neighbourhood
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major improvements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.
4. DEPARTMENTAL PRIORITY ORDER: 4
5. NATURE OF PROJECT:
 

|  |         |
|--|---------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____   |
| (b) HARD SERVICE                       | _____ x |
| (c) SOFT SERVICE                       | _____ x |
6. PROJECT JUSTIFICATION:
 

|   |         |
|---|---------|
| (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation) | _____ x |
| (b) HEALTH/SAFETY/ENVIRONMENT   | _____ x |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT                                   | _____   |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)                          | _____ x |
| (e) ECONOMIC DEVELOPMENT  | _____   |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR  | _____ x |
| (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure) | _____ x |
| (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)              | _____   |
7. FEASIBILITY STUDY:
 

|                        |          |
|------------------------|----------|
| (a) DATE (MONTH-YEAR): | _____    |
| (b) GROSS COST         | \$ _____ |
8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1997  
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.  
 (b) LESS PROVINCIAL SUBSIDIES:  
 (Identify nature of Subsidy Jobs Ontario -  
 and describe) Community Capital \$ 132,000.  
 (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ \_\_\_\_\_  
 (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:
 

|                           |                 |
|---------------------------|-----------------|
| - 1994 \$ _____           | - 1999 \$ _____ |
| - 1995 \$ _____           | - 2000 \$ _____ |
| - 1996 \$ _____           | - 2001 \$ _____ |
| - 1997 \$ <u>200,000.</u> | - 2002 \$ _____ |
| - 1998 \$ <u>200,000.</u> | - 2003 \$ _____ |



## 18.

## 1994-2003 CAPITAL BUDGET

### INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

|     |  |                 |
|-----|--|-----------------|
| 1.  | DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section  |                 |
| 2.  | PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets   |                 |
| 3.  | DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:<br>Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at minimal cost to the City. Authorization was given to the interconnecting streets within the Study Area to determine the feasibility of extending the Downtown Action Plan physical improvements. |                 |
| 4.  | DEPARTMENTAL PRIORITY ORDER:   | 5               |
| 5.  | NATURE OF PROJECT:   |                 |
|     | (a) MAINTENANCE OF AN EXISTING PROJECT   |                 |
|     | (b) HARD SERVICE   | X               |
|     | (c) SOFT SERVICE   | X               |
| 6.  | PROJECT JUSTIFICATION:   |                 |
|     | (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation)  | X               |
|     | (b) HEALTH/SAFETY/ENVIRONMENT  | X               |
|     | (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT  |                 |
|     | (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)   | X               |
|     | (e) ECONOMIC DEVELOPMENT   | X               |
|     | (f) PRODUCE JOBS IN THE PRIVATE SECTOR   | X               |
|     | (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure)  | X               |
|     | (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)   |                 |
| 7.  | FEASIBILITY STUDY:   |                 |
|     | (a) DATE (MONTH-YEAR):   |                 |
|     | (b) GROSS COST   | \$              |
| 8.  | (a) PROJECT STARTING DATE (MONTH-YEAR):  | January 1997    |
|     | (b) PROJECT FINISHING DATE (MONTH-YEAR):   | December 1998   |
| 9.  | (a) GROSS COST OF PROJECT In Year-Of-Start Dollars:  | \$ 800,000.     |
|     | (b) LESS PROVINCIAL SUBSIDIES:<br>(Identify nature of Subsidy _____<br>and describe) _____   | \$              |
|     | (c) LESS OTHER RECEIPTS (Specify): _____   | \$              |
|     | (d) NET CITY'S COST:   | \$ 800,000.     |
| 10. | (a) YEAR OF EXPENDITURE:   |                 |
|     | - 1994 \$ _____  | - 1999 \$ _____ |
|     | - 1995 \$ _____  | - 2000 \$ _____ |
|     | - 1996 \$ _____  | - 2001 \$ _____ |
|     | - 1997 \$ 200,000.   | - 2002 \$ _____ |
|     | - 1998 \$ 600,000.   | - 2003 \$ _____ |



(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous projects of similar scope.

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

16.0

(a) FIRST YEAR - DATE (MONTH-YEAR)

December 1998

(b) GROSS COST (All Inclusive)

\$ 21,000.

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$

(c) FOLLOWING YEAR - DATE (MONTH-YEAR)

(f) GROSS COST (All Inclusive)

§

(g) LESS RECOVERY/REVENUE

§

(h) NET CITY'S COST

\$ 21,000.

*NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.*

**The Downtown Action Plan improvements lose their impact as the commercial sectors grow around it. Public and private demand for improvements will not be planned or budgeted for. Opportunities with developers will remain untapped.**

No X Yes \_\_\_\_\_; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget)

(b) AT CITY'S COST OF

§

(c) SCHEDULED TO START IN THE YEAR

outside 10yr plan

Signature of Department Head/  
Local Board Manager

**Signature of CAO**

NOV 05 1993

Date \_\_\_\_\_

Date \_\_\_\_\_

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes \_\_\_\_\_ No \_\_\_\_\_

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$ \_\_\_\_\_

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$

*NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.*



The Corporation of the City of Hamilton

PROJECT NUMBER \_\_\_\_\_  
(Treasury to complete)

1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Parkview (East and West)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.
4. DEPARTMENTAL PRIORITY ORDER: 6
5. NATURE OF PROJECT:
  - (a) MAINTENANCE OF AN EXISTING PROJECT \_\_\_\_\_
  - (b) HARD SERVICE x
  - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
  - (a) STRATEGIC DIRECTION  
(Image of the City, Quality of Life, Transportation) x
  - (b) HEALTH/SAFETY/ENVIRONMENT x
  - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT \_\_\_\_\_
  - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
  - (e) ECONOMIC DEVELOPMENT \_\_\_\_\_
  - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
  - (g) MAINTAIN EXISTING SERVICE  
(Roads, Buildings, Other basic infrastructure) x
  - (h) REDUCE ONGOING COST  
(Staffing and/or resource requirements) \_\_\_\_\_
7. FEASIBILITY STUDY:
  - (a) DATE (MONTH-YEAR): \_\_\_\_\_
  - (b) GROSS COST \$
8.
  - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1998
  - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9.
  - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 266,000.
  - (b) LESS PROVINCIAL SUBSIDIES:  
(Identify nature of Subsidy Jobs Ontario -  
and describe) Community Capital \$ 66,000.
  - (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$
  - (d) NET CITY'S COST: \$ 200,000.
10.
  - (a) YEAR OF EXPENDITURE:
 

|                           |                 |
|---------------------------|-----------------|
| - 1994 \$ _____           | - 1999 \$ _____ |
| - 1995 \$ _____           | - 2000 \$ _____ |
| - 1996 \$ _____           | - 2001 \$ _____ |
| - 1997 \$ _____           | - 2002 \$ _____ |
| - 1998 \$ <u>200,000.</u> | - 2003 \$ _____ |

11. ESTIMATE PREPARED BY:  
(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes     

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

- (b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

- (a) WITHIN THE CITY DEPARTMENTS NIL  
(b) IN THE COMMUNITY 5 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

- |  |                      |                      |
|--|----------------------|----------------------|
| (a) FIRST YEAR - DATE (MONTH-YEAR)     | <u>December 1998</u> |                      |
| (b) GROSS COST (All Inclusive)         |                      | \$ <u>18,620.</u>    |
| (c) LESS RECOVERY/REVENUE              |                      | \$ <u>          </u> |
| (d) NET CITY'S COST                    |                      | \$ <u>          </u> |
| (e) FOLLOWING YEAR - DATE (MONTH-YEAR) | <u>          </u>    |                      |
| (f) GROSS COST (All Inclusive)         |                      | \$ <u>          </u> |
| (g) LESS RECOVERY/REVENUE              |                      | \$ <u>          </u> |
| (h) NET CITY'S COST                    |                      | \$ <u>18,620.</u>    |

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:  
Further deterioration of Neighbourhood.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No      Yes x ; If yes,

- |  |                    |
|--|--------------------|
| (a) PROJECT NO. (1993-2002 Capital Budget) | <u>223.0</u>       |
| (b) AT CITY'S COST OF                      | \$ <u>400,000.</u> |
| (c) SCHEDULED TO START IN THE YEAR         | <u>1998</u>        |

\_\_\_\_\_  
Signature of Department Head/  
Local Board Manager

\_\_\_\_\_  
Signature of C.A.O

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

16. FUNDING (Treasury Department To Complete):

- (a) NATURE OF PROPOSED FINANCING: \_\_\_\_\_  
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:  
Yes      No       
(c) IF DEBENTURE FINANCING:  
(i) ANNUAL DEBENTURE FINANCING COST: \$ \_\_\_\_\_  
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ \_\_\_\_\_

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

**The Corporation of the City of Hamilton**  
**PROJECT NUMBER** \_\_\_\_\_  
**(Treasury to complete)**  
**1994-2003 CAPITAL BUDGET**  
**INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Blakeley/St. Clair Revitalization
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
 Improvements to parks, recreational and hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward Three in between Wentworth, Gage, Main Streets and the base of the Escarpment.
4. DEPARTMENTAL PRIORITY ORDER: 7
5. NATURE OF PROJECT:
 

|  |          |
|--|----------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____    |
| (b) HARD SERVICE                       | <u>x</u> |
| (c) SOFT SERVICE                       | <u>x</u> |
6. PROJECT JUSTIFICATION:
 

|   |          |
|---|----------|
| (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation) | _____    |
| (b) HEALTH/SAFETY/ENVIRONMENT   | <u>x</u> |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT                                   | _____    |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)                          | <u>x</u> |
| (e) ECONOMIC DEVELOPMENT  | _____    |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR  | <u>x</u> |
| (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure) | <u>x</u> |
| (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)              | _____    |
7. FEASIBILITY STUDY:
 

|                        |          |
|------------------------|----------|
| (a) DATE (MONTH-YEAR): | _____    |
| (b) GROSS COST         | \$ _____ |
8. (a) PROJECT STARTING DATE (MONTH-YEAR) January 2000  
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.  
 (b) LESS PROVINCIAL SUBSIDIES:  
 (Identify nature of Subsidy Jobs Ontario -  
 and describe) Community Capital \$ 132,000.  
 (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ \_\_\_\_\_  
 (d) NET CITY'S COST: \$ 400,000.
10. (a) YEAR OF EXPENDITURE:
 

|                 |                           |
|-----------------|---------------------------|
| - 1994 \$ _____ | - 1999 \$ _____           |
| - 1995 \$ _____ | - 2000 \$ <u>200,000.</u> |
| - 1996 \$ _____ | - 2001 \$ <u>200,000.</u> |
| - 1997 \$ _____ | - 2002 \$ _____           |
| - 1998 \$ _____ | - 2003 \$ _____           |







The Corporation of the City of Hamilton  
PROJECT NUMBER \_\_\_\_\_  
(Treasury to complete)  
1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian link to the Downtown Action Plan Redevelopment Area. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.
4. DEPARTMENTAL PRIORITY ORDER: 8
5. NATURE OF PROJECT:  
(a) MAINTENANCE OF AN EXISTING PROJECT  
(b) HARD SERVICE x  
(c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:  
(a) STRATEGIC DIRECTION  
(Image of the City, Quality of Life, Transportation) x  
(b) HEALTH/SAFETY/ENVIRONMENT x  
(c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT  
(d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x  
(e) ECONOMIC DEVELOPMENT x  
(f) PRODUCE JOBS IN THE PRIVATE SECTOR x  
(g) MAINTAIN EXISTING SERVICE  
(Roads, Buildings, Other basic infrastructure)  
(h) REDUCE ONGOING COST  
(Staffing and/or resource requirements)
7. FEASIBILITY STUDY:  
(a) DATE (MONTH-YEAR):  
(b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR) January 2001  
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 743,000.  
(b) LESS PROVINCIAL SUBSIDIES:  
(Identify nature of Subsidy and describe) \$  
(c) LESS OTHER RECEIPTS (Specify): \$
10. (d) NET CITY'S COST: \$ 743,000.  
(a) YEAR OF EXPENDITURE:  
- 1994 \$  
- 1995 \$  
- 1996 \$  
- 1997 \$  
- 1998 \$  
- 1999 \$  
- 2000 \$  
- 2001 \$ 220,000.  
- 2002 \$ 220,000.  
- 2003 \$ 303,000.

- No x Yes

(b) If no, the basis of assumptions **Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.**

- (a) WITHIN THE CITY DEPARTMENTS  
(b) IN THE COMMUNITY

NIL  
14.0

- January 2002

\$ 26,000.

\$

\$ \_\_\_\_\_

---

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 26,000.

**No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.**

- 225.0

\$ 700,000.

2001

*Signature of C.A.O*

Date \_\_\_\_\_

- Yes \_\_\_\_\_ No \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Page 2 of 2

The Corporation of the City of Hamilton  
PROJECT NUMBER \_\_\_\_\_  
(Treasury to complete)  
1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
This is the second phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter Street to Charlton Avenue as per the Central Business District Study draft Guidelines adopted by the Planning and Development Committee.
4. DEPARTMENTAL PRIORITY ORDER: 9
5. NATURE OF PROJECT:  
(a) MAINTENANCE OF AN EXISTING PROJECT  
(b) HARD SERVICE X  
(c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:  
(a) STRATEGIC DIRECTION  
(Image of the City, Quality of Life, Transportation) X  
(b) HEALTH/SAFETY/ENVIRONMENT  
(c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT  
(d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X  
(e) ECONOMIC DEVELOPMENT X  
(f) PRODUCE JOBS IN THE PRIVATE SECTOR X  
(g) MAINTAIN EXISTING SERVICE  
(Roads, Buildings, Other basic infrastructure)  
(h) REDUCE ONGOING COST  
(Staffing and/or resource requirements)
7. FEASIBILITY STUDY:  
(a) DATE (MONTH-YEAR):  
(b) GROSS COST \$
8. (a) PROJECT STARTING DATE (MONTH-YEAR) January 2002  
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 765,000.  
(b) LESS PROVINCIAL SUBSIDIES:  
(Identify nature of Subsidy and describe) \$  
(c) LESS OTHER RECEIPTS (Specify): \$  
(d) NET CITY'S COST: \$ 765,000.
10. (a) YEAR OF EXPENDITURE:  
- 1994 \$  
- 1995 \$  
- 1996 \$  
- 1997 \$  
- 1998 \$  
- 1999 \$  
- 2000 \$  
- 2001 \$  
- 2002 \$ 220,000.  
- 2003 \$ 220,000.  
- 2004 \$ 325,000.







**The Corporation of the City of Hamilton**

PROJECT NUMBER \_\_\_\_\_

(Treasury to complete)

**1994-2003 CAPITAL BUDGET**

**INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Commercial Improvement Program - Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Phase II of the Commercial Improvement Program will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.
4. DEPARTMENTAL PRIORITY ORDER: 10
5. NATURE OF PROJECT:
 

|  |               |
|--|---------------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____         |
| (b) HARD SERVICE                       | _____ X _____ |
| (c) SOFT SERVICE                       | _____ X _____ |
6. PROJECT JUSTIFICATION:
 

|   |               |
|---|---------------|
| (a) STRATEGIC DIRECTION<br>(Image of the City, Quality of Life, Transportation) | _____ X _____ |
| (b) HEALTH/SAFETY/ENVIRONMENT   | _____ X _____ |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT                                   | _____         |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)                          | _____ X _____ |
| (e) ECONOMIC DEVELOPMENT  | _____ X _____ |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR  | _____ X _____ |
| (g) MAINTAIN EXISTING SERVICE<br>(Roads, Buildings, Other basic infrastructure) | _____ X _____ |
| (h) REDUCE ONGOING COST<br>(Staffing and/or resource requirements)              | _____         |
7. FEASIBILITY STUDY:
 

|                        |          |
|------------------------|----------|
| (a) DATE (MONTH-YEAR): | _____    |
| (b) GROSS COST         | \$ _____ |
8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1999  
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 2,500,000.  
 (b) LESS PROVINCIAL SUBSIDIES:  
 (Identify nature of Subsidy \_\_\_\_\_  
 and describe) \_\_\_\_\_ \$ \_\_\_\_\_  
 (c) LESS OTHER RECEIPTS (Specify): \_\_\_\_\_ \$ \_\_\_\_\_  
 (d) NET CITY'S COST: \$ 2,500,000.
10. (a) YEAR OF EXPENDITURE:
 

|                 |                           |
|-----------------|---------------------------|
| - 1994 \$ _____ | - 1999 \$ <u>500,000.</u> |
| - 1995 \$ _____ | - 2000 \$ <u>500,000.</u> |
| - 1996 \$ _____ | - 2001 \$ <u>500,000.</u> |
| - 1997 \$ _____ | - 2002 \$ <u>500,000.</u> |
| - 1998 \$ _____ | - 2003 \$ <u>500,000.</u> |

11. ESTIMATE PREPARED BY:  
(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes    

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

- (b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

- (a) WITHIN THE CITY DEPARTMENTS  
(b) IN THE COMMUNITY

NIL  
50 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

- |  |                     |                      |
|--|---------------------|----------------------|
| (a) FIRST YEAR - DATE (MONTH-YEAR)     | <u>January 2003</u> |                      |
| (b) GROSS COST (All Inclusive)         |                     | \$ <u>701,000.</u>   |
| (c) LESS RECOVERY/REVENUE              |                     | \$ <u>          </u> |
| (d) NET CITY'S COST                    |                     | \$ <u>          </u> |
| (e) FOLLOWING YEAR - DATE (MONTH-YEAR) | <u>          </u>   |                      |
| (f) GROSS COST (All Inclusive)         |                     | \$ <u>          </u> |
| (g) LESS RECOVERY/REVENUE              |                     | \$ <u>          </u> |
| (h) NET CITY'S COST                    |                     | \$ <u>701,000.</u>   |


NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:  
Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No x Yes    ; If yes,

- (a) PROJECT NO. (1993-2002 Capital Budget)             
(b) AT CITY'S COST OF \$             
(c) SCHEDULED TO START IN THE YEAR

  
Signature of Department Head/  
Local Board Member NOV 25 1993

            
Signature of C.A.O

Date

Date

16. FUNDING (Treasury Department To Complete):

- (a) NATURE OF PROPOSED FINANCING:             
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:  
Yes     No      
(c) IF DEBENTURE FINANCING:  
(i) ANNUAL DEBENTURE FINANCING COST: \$             
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.



CITY OF HAMILTON

- RECOMMENDATION -

6a)

**DATE:** November 30, 1993  
ZAR-93-38  
Macassa Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

RECEIVED

DEC 02 1993

**SUBJECT:**

CITY CLERKS

Request for removal of the 'H' (Holding) Symbol - 796 Upper Gage Avenue.

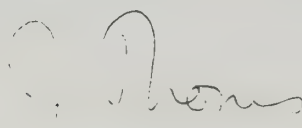
**RECOMMENDATION:**

That approval be given to Zoning Application 93-38, P.X. Dermody Funeral Homes, lessee, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit a funeral home within the existing building, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 93-096, and Zoning District Map E-38 for presentation to City Council, for lands located at No. 796 Upper Gage Avenue, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner applied for and received approval of a Site Plan.

**EXPLANATORY NOTE:**

The purpose of this By-law is to remove the 'H' (Holding) symbol, for lands located at No. 796 Upper Gage Avenue, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan. In this regard, a Site Plan Application (DA-93-07) was submitted and has been approved by the City.

The effect of the By-law is to permit a funeral home within the existing commercial building in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions, as set out under By-law No. 93-096. A total of twenty-four (24) parking spaces are to be provided.

  
**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL IMPLICATIONS:**

N/A



**BACKGROUND:**

- By-law 93-096

On April 27, 1993, City Council passed By-law 93-096 which provides for a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building, for the lands located at 796 Upper Gage Avenue. The 'H' (Holding) symbol was placed on the lands until such time as the applicant/owner has applied for and received approval of a site plan.

- Site Plan Application (DA-93-20)

On September 27, 1993, plans and drawings were approved under Site Plan Control Application DA-93-20, subject to various conditions. On November 30, 1993, the conditions of approval were satisfactorily completed.

**CONCLUSION:**

On the basis that a Site Plan has been approved by the City, it is appropriate to remove the 'H' (Holding) symbol from the above property.

JL/  
ZAR9338





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

66)

**DATE:** 1993 November 30  
(SS-RE)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Capital Budget Submission - Local Planning Branch

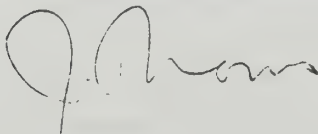
**RECEIVED**

DEC 02 1993

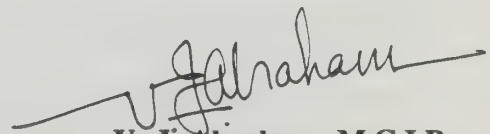
CITY CLERKS

**RECOMMENDATIONS:**

- A) That the attached capital project for the Local Planning Branch, in the amount of \$1,145,000 for the Property Acquisition Program - Alpha East Enclave, be considered for inclusion in the ten year capital budget.
- B) That the capital project be reviewed by Management Team (Capital Budget Sub-Committee) for consideration of the Committee of the Whole and City Council.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

To be reviewed by Management Team

**BACKGROUND:**

**Corporate Overview**

The proposed 1994-2003 Capital Budget currently represents a \$130,363,000 increase in gross cost over the 1993-2002 Capital Budget noted as follows (000's):

|   | <u>Gross</u>     | <u>Subsidy</u>    | <u>Net</u>       |
|---|------------------|-------------------|------------------|
| 1994-2003 Proposed Capital Budget (1994-2003 costs) | \$365,829        | \$ 47,493         | \$318,336        |
| 1993-2002 Approved Capital Budget (1994-2002 costs) | <u>235,466</u>   | <u>65,153</u>     | <u>170,313</u>   |
| Over/(Under)  | <u>\$130,363</u> | <u>\$(17,660)</u> | <u>\$148,023</u> |



## NET CAPITAL BUDGET BY YEAR

|      | <u>NET COST (000'S)</u>                    |  |                     |
|------|--|--|---------------------|
|      | Past<br>1993-2002<br><u>Capital Budget</u> | Proposed<br>1994-2003<br><u>Capital Budget</u> | <u>Over/(Under)</u> |
| 1994 | \$ 15,525                                  | \$ 22,521                                      | \$ 6,996            |
| 1995 | 23,642                                     | 27,077   | 3,435               |
| 1996 | 19,887                                     | 25,598   | 5,711               |
| 1997 | 24,042                                     | 26,577   | 2,535               |
| 1998 | 21,283                                     | 34,947   | 13,664              |
| 1999 | 13,185                                     | 31,405   | 18,220              |
| 2000 | 12,301                                     | 17,815   | 5,514               |
| 2001 | 25,794                                     | 25,040   | (754)               |
| 2002 | 14,654                                     | 17,576   | 2,922               |
| 2003 | --   | 89,780   | 89,780              |
|      | <u>\$170,313</u>                           | <u>\$318,336</u>                               | <u>\$148,023</u>    |

Note should be made that there is a \$6,996,000 increase being proposed in 1994 at this time. If these projects are financed by debentures there will be an increase in debenture cost of \$1.1 million in the following year and operating cost in the 1994 annual operating budget.

Departmental Overview

The Residential Enclaves Acquisition program was reviewed by the Planning and Development Committee in 1992. The study examined land use and acquisition options. At its meeting of June 24, 1992, the Planning and Development Committee adopted the recommendations of the Planning and Development Department to:

- a) retain the INDUSTRIAL zoning and designation in the Official Plan; and,
- b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East Enclave. The properties in Alpha East would be acquired on a willing seller/willing buyer basis.

In 1992, the Planning and Development Department requested that \$1,145,000 be placed in the Capital budget for the Residential Enclaves Program. This program would allow for the purchase of homes in the Alpha East Enclave. The funding was approved to commence in 2001.

In the past year, there have been numerous inquiries requesting the City purchase the homes since there are only a few remaining homes in an area surrounded by industry. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East was most affected by the former Acquisition Program.

The Department is requesting the funding be moved up to the 1996-1997 budget year. As a result, a new Capital Budget Submission is being made in the amount of \$1,145,000, a 0% increase over last year.

**CONCLUSIONS:**

- A) That the attached capital project for the Local Planning Branch, in the amount of \$1,145,000 for the Property Acquisition Program - Alpha East Enclave, be considered for inclusion in the ten year capital budget.
- B) That the capital project be reviewed by Management Team (Capital Budget Sub-Committee) for consideration of the Committee of the Whole and City Council.

JHE/dkp

The Corporation of the City of Hamilton

PROJECT NUMBER 178.0  
(Treasury to complete)

1994-2003 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Property Acquisition Program - Alpha East Enclave
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Removal of 13 residential properties in Alpha East Enclave (Sherman Avenue and Imperial Street).  
Acquired land to be sold to industry. This is a revised cost estimate for the existing acquisition program.
4. DEPARTMENTAL PRIORITY ORDER: 1
5. NATURE OF PROJECT:
  - (a) MAINTENANCE OF AN EXISTING PROJECT X
  - (b) HARD SERVICE \_\_\_\_\_
  - (c) SOFT SERVICE \_\_\_\_\_
6. PROJECT JUSTIFICATION:
  - (a) STRATEGIC DIRECTION  
(Image of the City, Quality of Life, Transportation) X
  - (b) HEALTH/SAFETY/ENVIRONMENT X
  - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT \_\_\_\_\_
  - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) \_\_\_\_\_
  - (e) ECONOMIC DEVELOPMENT \_\_\_\_\_
  - (f) PRODUCE JOBS IN THE PRIVATE SECTOR \_\_\_\_\_
  - (g) MAINTAIN EXISTING SERVICE  
(Roads, Buildings, Other basic infrastructure) \_\_\_\_\_
  - (h) REDUCE ONGOING COST  
(Staffing and/or resource requirements) \_\_\_\_\_
7. FEASIBILITY STUDY:
  - (a) DATE (MONTH-YEAR): \_\_\_\_\_
  - (b) GROSS COST \_\_\_\_\_ \$ \_\_\_\_\_
8.
  - (a) PROJECT STARTING DATE (MONTH-YEAR) 1996
  - (b) PROJECT FINISHING DATE (MONTH-YEAR): 1997
9.
  - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 1,300,000.00
  - (b) LESS PROVINCIAL SUBSIDIES:  
(Identify nature of Subsidy \_\_\_\_\_  
and describe) \_\_\_\_\_ \$ \_\_\_\_\_
  - (c) LESS OTHER RECEIPTS (Specify): Recovery from sale of lands  
(\$155,000.00). Funds may be recovered at any point during the program  
that land sales become viable. \$ 155,000.00
  - (d) NET CITY'S COST: \$ 1,145,000.00
10.
  - (a) YEAR OF EXPENDITURE:
 

|                                 |                 |
|---------------------------------|-----------------|
| - 1994 \$ _____                 | - 1999 \$ _____ |
| - 1995 \$ _____                 | - 2000 \$ _____ |
| - 1996 \$ _____                 | - 2001 \$ _____ |
| - 1997 } \$ <u>1,145,000.00</u> | - 2002 \$ _____ |
| - 1998 \$ _____                 | - 2003 \$ _____ |

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes   

\_\_\_\_\_  
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions \_\_\_\_\_

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS \_\_\_\_\_

(b) IN THE COMMUNITY \_\_\_\_\_

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) \_\_\_\_\_

(b) GROSS COST (All Inclusive) \_\_\_\_\_

\$ \_\_\_\_\_

(c) LESS RECOVERY/REVENUE \_\_\_\_\_

\$ \_\_\_\_\_

(d) NET CITY'S COST \_\_\_\_\_

\$ \_\_\_\_\_

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) \_\_\_\_\_

(f) GROSS COST (All Inclusive) \_\_\_\_\_

\$ \_\_\_\_\_

(g) LESS RECOVERY/REVENUE \_\_\_\_\_

\$ \_\_\_\_\_

(h) NET CITY'S COST \_\_\_\_\_

\$ \_\_\_\_\_

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The existing acquisition funds will only purchase a few of the  
13 properties. Elimination of the project will leave several  
properties unpurchased, further eroding the quality of life  
for existing residents.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No    Yes X ; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget) \_\_\_\_\_

218.0

(b) AT CITY'S COST OF \_\_\_\_\_

\$ 1,145,000.00

(c) SCHEDULED TO START IN THE YEAR \_\_\_\_\_

2001

Signature of Department Head/  
Local Board Manager

Oct. 18, 1993

Date

Signature of C.A.O

Nov. 1/93

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: \_\_\_\_\_

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE: \_\_\_\_\_

Yes    No   

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: \_\_\_\_\_

\$ \_\_\_\_\_

(ii) TOTAL CARRYING COST OF RETIRING DEBT: \_\_\_\_\_

\$ \_\_\_\_\_

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.





6c)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 November 30  
(OP-HW5Y)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. V. J. Abraham  
Director of Local Planning

**SUBJECT:** City of Hamilton Response - Towards a Sustainable Region  
- Draft Hamilton-Wentworth Official Plan (September 1993)

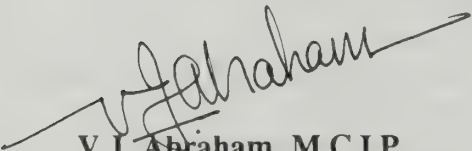
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DEC 02 1993

CITY CLERKS

**RECOMMENDATIONS:**

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
  - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
  - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.

  
V.J. Abraham, M.C.I.P.,  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## BACKGROUND:

- Purpose of the New Regional Official Plan

The Planning Act requires municipalities to review their Official Plans once every five years. The Hamilton-Wentworth Official Plan was prepared in the late 1970's and adopted by Regional Council in 1980.

Since the 1970's, there have been significant changes: in the way communities are planned; the increasing pressure for development, particularly outside the urban areas; the growing importance of the environmental issues, etc. As a result, the Regional Planning Branch, in consultation with Area municipalities, other Departments and agencies, has prepared a draft Official Plan for the Hamilton-Wentworth Region titled Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan. The Local Planning Branch has been involved from the outset of the Review and have requested changes to the policies on a few occasions. These changes have been made and any concerns or negative impacts on the City have been alleviated.

The basis for the Plan is founded in the concept of developing and maintaining a "Sustainable Region". Sustainable development is *"positive change that meets the needs of the present without comprising the ability of future generations to meet their own needs"*. In 1993, Regional Council approved *VISION 2020* which is a compilation of policies, directions and strategies for government, residents, businesses and community groups to take into consideration as they plan for a sustainable future. The Regional OP is seen as the principle implementation tool for *VISION 2020*.

The Plan is broken down into four main components with subcomponents, as follows:

- INTRODUCTION;
- QUALITY OF LIFE (responsive government; environment; shelter; economic opportunities; social well being; education; culture; historical resources; greenspace-leisure activities; and public safety);
- LAND USE STRATEGY (resource protection; resource utilization; regional development pattern and infrastructure); and,
- IMPLEMENTATION

The Regional Planning and Development Department has prepared a comprehensive, easy to read document which sets the stage for planning in the 1990's and beyond.

## RESULTS OF CIRCULARIZATION:

The draft Regional Official Plan was circulated to various municipal Departments for their comments.

- The following Departments have no comments or objections:
  - Property Department;
  - Municipal Non-Profit Housing Corporation;
  - Building Department;
  - Culture and Recreation Department;
  - Traffic Department;
  - Parking Authority; and,
  - Law Department.
- The Fire Department has advised that:
 

"I am pleased to note that my responsibilities as the Regional Fire Co-ordinator and the issue of location of fire facilities have been suitably addressed in Part B - Section 11..."
- Due to the scheduling of Board meetings, the Library Board is unable to have a formal response to the Plan by December 8, 1993; however, they will submit a formal response to the Regional Planning Department at the end of December.

## ANALYSIS

- General Principles

The Regional Official Plan is proactive in that it supports many of the concepts the City of Hamilton has been pursuing over the last few years. In particular, the Plan includes policies supporting:

  - the implementation of the Hamilton Harbour Remedial Action Plan;
  - the provision of a range of housing types;
  - housing intensification;
  - adaptive re-use of non-residential uses/buildings to residential;
  - firm urban boundaries;
  - compact urban forms and promoting mixed use corridors (i.e. Barton Street Upper James Street, etc.);
  - limited commercial uses in the Industrial-Business parks to those uses which serve the industrial and business operations and employees so the Parks will not compete with existing commercial areas (i.e. Upper James Street, downtown);
  - the Regional Centre (downtown) as an important employment area in the region;
  - the use of public transit; and,



- the development of integrated bicycle paths

Many of the directives contained in the Plan are already implemented through the City's Official Plan, Neighbourhood Plans and Zoning By-law.

- Environmentally Significant Areas

The Naturalists Club identified the Environmentally Significant Areas (ESA) in the Region based on flora, fauna, hydrology, geology, etc. The data was collected starting in 1991.

A large number of the ESA's correspond to ESA's that are currently identified in the Hamilton Official Plan.

However, there are new ones that have been added (i.e Red Hill Creek, north of the former landfill site, Lax property, portion of the East Mountain Industrial-Business Park, Hamilton beach Shoreline). Generally, the new additions do not pose a problem; however, three areas need further attention:

- 1) Harbourfront Park and Pier 4 Park

There has been considerable land use changes taken place in these areas. In 1992, the Region constructed the Strachan Street underground detention tank with a parking lot above. In 1992 and 1993, the City built Pier 4 Park and Harbourfront Park which are active urban parks.

It appears as if the environmentally significant area is the shoreline which has a fish habitat. The inclusion of this area as an ESA may limit future development.

Based on the recent changes in this area, it is suggested the ESA areas be re-evaluated.

- 2) Hamilton-Harbour - EastPort (Piers 25 to 27)

Over a period of years, development has taken place in the EastPort area.

Based on Map 4, EastPort has been designated as an ESA because of the nesting habitats for waterbirds and waterfowl.

It should be noted that if development takes place on these lands an impact study would have to be completed and it may restrict further development.

- Site Plan Agreements for Development Fronting on the Lakeshore

Policy C.1.4.3 requires municipalities to undertake site plan agreements for development fronting on the lakeshore to ensure appropriate setbacks for flooding, erosion, etc. By-law 79-275 that establishes Site Plan Control exempts single and two-family dwellings. In this regard, the Policy should be reworded to eliminate the necessity for such agreements on those residential types.

## **IMPACT ON THE CITY OF HAMILTON'S OFFICIAL PLAN**

Both the Planning Act and Policy D.5 of the draft Regional Official Plan requires an area municipality to bring its Plan into conformity with the upper tier plan. The Planning Act also requires a municipality to review their Official Plan once every five years. To date, the City has not conducted a Five Year Review since it was considered premature pending the completion of the Regional Official Plan Review. However, housekeeping amendments have been completed on an on-going basis including the major amendment (OPA #80) that was recently approved.

The format and content of the draft Regional Official Plan is considerably different than the existing Official Plan. The Plan has become more directive rather than regulatory. In addition, the Regional Official Plan will be considered as the prime implementation tool in achieving the goals and fulfilling the strategies put forward in *VISION 2020*. In addition, the OP has added new sections (i.e. subwatershed planning, public safety, greenspace-leisure activities, etc.) dealing with issues that were not contemplated in the late 1970's, and early 1980's.

Based on the above, the City's Official Plan would have to be modified to include new concepts and policies, and to delete out of date policies. The Planning and Development Department has also identified areas of the City's Official Plan that require updating. They include industrial and commercial land use, environmental issues (wetlands, environmentally significant lands, etc.).

At the present time, the Department is reviewing the industrial policies of the Official Plan. The first phase of the study is to prepare a background report detailing the economic changes that have occurred in Hamilton and Ontario with particular attention being paid to manufacturing; employment trends; business development activity and review the industrial areas within the City. The background report will also include a review of the City's and other municipal OP policies, as well as Provincial initiatives, on industrial land use planning. The second phase of the study will involve policy formulation.

Over the next few years, changes to the Official Plan are required to keep the City's Plan up to date and responsive to the planning goals and objectives of the 1990's and beyond.

**CONCLUSIONS:**

Based on the foregoing,

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
  - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
  - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.

JHE

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

7.

**DATE:** December 1, 1993  
(TC-CAP(F))

RECEIVED

DEC 02 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

CITY CLERKS

**FROM:** Gil Simmons, Chairperson  
Advisory Committee on GO Transit

**SUBJECT:** Proposed GO Transit Victoria Avenue Layover Yard  
- Comments on Final Report of October, 1993

**RECOMMENDATIONS:**

1. That the Minister of Environment and Energy and GO Transit be advised:
  - a) That GO Transit's October, 1993 report on the proposed Victoria Avenue layover yard should be considered to be inadequate in addressing a number of major concerns, in particular that the transitory (moving) noise source approach used to analyze noise impacts for the proposed layover yard is considered inappropriate, and that the stationary noise criteria should be applied;
  - b) In addition, the City is undertaking noise studies for the proposed Victoria Avenue layover yard and the Canada/Hunter Street Cut, and that they be requested to consider the findings from these studies in their review of the layover yard;
  - c) That the overall analysis for the proposed Victoria Avenue layover yard is considered inadequate, since it considers only noise impacts, and not the broad range of other concerns, which include effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues of major concern;
  - d) That the adequacy of the process for public participation in the study is in question, since the residents of the Stinson community were not notified of the proposed yard during the preparation of the E.A.;
  - e) That the previous resolutions of City Council on this matter, arising from their meeting of July 27, 1993, and other comments made by citizens during the review process, should be addressed prior to a final decision being made on the layover yard.



2. That the Minister of Environment and Energy and GO Transit be provided with a copy of this report.



**Gil Simmons, Chairperson,  
Advisory Committee on GO Transit**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

The proposed Victoria Avenue Layover Yard, which is intended to accommodate overnight storage of GO trains, has been reviewed by City staff and the Advisory Committee on GO Transit, and has been the subject of previous reports to Committee and Council.

GO Transit's Proposed Concept and Noise Assessment Study report for the Victoria Avenue site was submitted to the Minister of the Environment and Energy on October 8, 1993. It was prepared to satisfy the requirements of the April 23, 1993 conditional approval of the 1989 Environmental Assessment Report for the Hamilton GO Train Service Expansion Program. Copies of this report were forwarded to municipal staff and Stinson residents for information on October 21, 1993.

The Advisory Committee on GO Transit met most recently on November 25, 1993, to discuss the October, 1993 report on the layover yard. The Committee's comments are included in this report.

On November 30, 1993, municipal staff were informed that the Approvals Branch of the Ministry of Environment and Energy (MOEE) had responded to GO Transit regarding the proposed layover yard. The MOEE stated that:

- The October report is not in compliance with the MOEE requirements;
- The assessment of the noise impact is not acceptable, due to the application of transitory rather than stationary noise criteria, and for other reasons;
- Additional and more significant noise control measures, such as a higher barrier and an enclosure, would be necessary to comply with the noise criteria; and,
- The issues identified in the impact study should be addressed by GO Transit.

***COMMENTS:***

The Advisory Committee on GO Transit, in conjunction with staff of the Planning and Development Department, have identified a number of concerns with the October, 1993 report prepared for the proposed Victoria Avenue layover yard, and the overall study, which are outlined here:

## 1) Noise Analysis

- **Methodology** - The approach used by GO Transit to analyze noise on this site has been questioned by the City's Chief Noise Control Officer and others including residents. Different techniques are used to study stationary and transitory (moving) noise sources, and the transitory approach chosen has been questioned. This approach does not take into consideration the noise associated with idling trains, which would be a major factor at this location. The recent response from the MOEE confirms this concern, and in fact GO Transit has been directed to revise their methodology.
- **Emphasis on Noise in E.A. Report** - The community issues considered in the 1989 E.A. report included only direct noise impacts along the corridor, and station impacts related to traffic and parking. This emphasis on noise was questioned, since there are numerous other adverse impacts associated with the yard, as noted later in this report.
- **City Noise Studies** - The City of Hamilton, specifically the Chief Noise Control Officer, is to undertake a review of the noise studies for the proposed Victoria Avenue layover yard, as well as for the Hunter/Canada St. Cut between Dundurn and Queen. These studies, which would include noise measurements and review of GO Transit's analysis, were approved by City Council on November 30, 1993.
- **Monitoring** - Advisory Committee members asked how monitoring of noise arising from the yard would be done, and which of the three levels of the Ministry of Environment and Energy would monitor the noise pollution associated with the layover yard.
- **Railway Standards** - It has been pointed out that with current regulations, a new residential area could not be built next to such a rail line and yard. C.P. has standards which identify minimum setbacks for residential uses of 15.0 metres from the railway property line, and warning clauses on title for property within 300 metres.

## 2) Role of Public Consultation

- **Stinson Neighbourhood** - The residents of the Stinson community did not become aware of the proposed layover yard in their area until 1991 or 1992, since they were not notified by GO Transit or others during the preparation of the E.A.
- **E.A. Approval Process** - The conditions of the 1992 approval of the E.A. were ambiguous with regard to public participation. These conditions require that GO Transit "consult with local ratepayers and the municipality for public input on the design and construction" of the yard. However, it is unclear to what extent this input is to be taken into consideration. The City and residents consider it important that they be consulted, and that their concerns and outstanding issues be addressed and resolved;
- **Process for Current Review of Site** - The public participation process associated with the recent referral of the noise study back to GO Transit is unclear. There appears to have been little or no incorporation of public concerns to date in the study design, and it is not known whether or how further input from citizens or the municipality will be incorporated in the layover yard study.

### 3) Consideration of City Council Resolutions

- **July 1993 Resolutions** - The resolutions approved at the City Council meeting of July 27, 1993, were forwarded to GO Transit and the MOEE, but have not been acknowledged or responded to, nor were they noted in GO Transit's October report. These included a request for holding the decision on the layover yard in abeyance, until an assessment of all alternative sites is done (see attached).

### 4) Other Concerns

- **Non-Noise Concerns** - Many important issues other than noise were not considered in the study of this site. These include effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues which have been outlined in detail in previous reports to Committee and Council.
- **Suitability of Yard** - The Advisory Committee noted that the proposed yard has been modified greatly from the preferred design, in terms of number of trains which can be accommodated, distance between tracks, etc., due to the constraints associated with this site. For these reasons, it is felt that the proposed yard is unlikely to be capable of efficient operation, and it is probably in the best interests of GO Transit to find another location for it.

### *CONCLUSIONS:*

Based on the foregoing, the Advisory Committee on GO Transit suggests, regarding GO Transit's October 1993 report on the Victoria Avenue yard and the overall project, that the Minister of Environment and Energy and GO Transit be advised:

- That GO Transit's October, 1993 report on the proposed Victoria Avenue layover yard should be considered to be inadequate in addressing a number of major concerns, in particular that the transitory (moving) noise source approach used to analyze noise impacts for the proposed layover yard is considered inappropriate, and that the stationary noise criteria should be applied;
- That the City is undertaking a review of the noise studies for the proposed Victoria Avenue layover yard and the Canada/Hunter Street Cut, and that the MOEE and GO Transit be requested to consider the findings from these studies in their review of the layover yard;
- That the overall analysis for the proposed Victoria Avenue layover yard is considered inadequate, since it considers only noise impacts, and not the broad range of other concerns, which include effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues of major concern;
- That the adequacy of the process for public participation in the study is in question, since the residents of the Stinson community were not notified of the proposed yard during the preparation of the E.A.; and,



- That the previous resolutions of City Council on this matter, arising from their meeting of July 27, 1993, and other comments made by citizens during the review process, should be addressed prior to a final decision being made on the layover yard.

vg

GO-DEC.P&D





## Attachment

**City Council at its meeting of 1993 July 27 approved Section 7 of the TWELFTH Report of the Planning and Development Committee as follows:**

7. (a) That the Minister of the Environment be requested to direct GO Transit to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
- (b) That GO Transit be requested to seek authorization from the Ministry of the Environment to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
- (c) That the Ministry of the Environment and GO Transit be requested to hold in abeyance the decision regarding the Victoria Avenue layover yard until such time as the full Environmental Assessment is completed for all sites;
- (d) That the City advise GO Transit and the Ministry of the Environment that the City remains otherwise committed to the expansion of GO Transit service to Hamilton;
- (e) That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of the report of the Advisory Committee on GO Transit dated 1993 July 7 and the report of the Chief Administrative Officer dated 1993 July 15.



**PLANNING AND DEVELOPMENT COMMITTEE**

GOVERNMENT DOCUMENTS

**WEDNESDAY, 1993 DECEMBER 8****CONSENT AGENDA****A. ADOPTION OF THE MINUTES**

Minutes of the Planning & Development Committee meeting of 1993 November 24

**B. DIRECTOR OF PUBLIC WORKS**

- (a) International Village, B.I.A. Proposed Budget and Schedule of Payments for 1994
- (b) Ottawa Street B.I.A. Proposed Budget and Schedule of Payments for 1994

**C. BUILDING COMMISSIONER**

- (a) Demolition Permits
  - i. 114 Glennie Avenue
  - ii. 819 Upper Paradise Road
- (b) Commercial Loan Programme
  - i. 1031 King Street West
  - ii. 1047-1053 King Street West
- (c) Hamilton Emergency Programme - 27 Glen Valley Drive
- (d) Facade Loan Programme Increases: 201 Ottawa Street North

**D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items





A.

Wednesday, 1993 November 24  
9:30 o'clock a.m.  
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Alderman M. Kiss  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman Wm. McCulloch  
Alderman F. D'Amico

**Regrets:** Mayor Robert M. Morrow

**Also Present:** Alderman G. Copps  
Alderman B. Morelli  
Victor Abraham, Director of Local Planning  
Bill Janssen, Planning Department  
Joanne Hickey-Evans, Planning Department  
Lou Lanza, Regional Planning Department  
John Gamble, Building Department  
Willie Wong, Building Department  
Eugene Chajka, Roads Department  
Roland Karl, Traffic Department  
Art Zuidema, Law Department  
Mike Watson, Property Department  
Tina Agnello, Secretary

1. **Zoning Application 93-33, N. Janjic and G. Kugler, owners, for a modification to the established "H" District regulations, for property located at Nos. 295-303 York Boulevard; Strathcona Neighbourhood**

Paul Mallard advised that the application is to permit a billiard room in an existing building and will be operated as an upscale establishment. Approximately 10 to 12 tables will be accommodated.

As a result of an 1978 study, billiard rooms were removed as a use from the "H" Districts. Since 1990 three application have been considered for similar uses and have been denied. One application was appealed to the Ontario Municipal Board and the appeal was denied by the Ontario Municipal Board.

Paul Mallard continued by stating that the billiard hall will be in close proximity to two schools a public school and highschool and that the two school boards have stated some concerns. There is an adequate supply of these uses in the City of Hamilton and the Planning Department does not want to encourage similar applications should this one be approved.

Of the notices sent 10 were in favour and 42 replied in opposition.

Ned Janjic, the applicant was present. He distributed photos of the type of billiard parlour he would like to run. He explained that there is an attitude change regarding pool halls that existed in the 60's and 70's to those which are now are being operated. He is trying to cater to upscale people and families, university students and seniors. Children under the age of 16 are not permitted to use the premises during the daytime hours and no person under 18 is permitted to use the facility in the evening without the attendance of a family member.

He stated that should the business not operate the way the City would like it to, the licence can be revoked. He is attempting to maintain a high degree of professionalism.

Bob Knuckle, a Dundas residents and former Vice Principal of Sir John A. MacDonald was present. He stated that he knows the applicant for a period of 15 years and the applicant is a sound responsible conscientious person.

Dawn Adams of 151 Queen Street North, Apt. 2608 was present. She is not in support of the billiard parlour. She was concerned that future business owners may not run it in the same manner that the applicant is proposing.

Christen Lindner who also lives in Dundas and is a student at McMaster University stated that she would like a place like this for students to attend since there is not a great deal of entertainment for students in the City.

Chuck Renaud was present. He does not support this application as it is in close proximity to two schools.

Lauren Kindell, Vice Principle of Hess Street School was present. She was concerned that most students have english as a second language and as such the parents do not speak english as their first language. She was concerned that the circulation was in english and may not have been understood by many of the residents.

Mr. Janjic added that he respects the ethnic make-up of the neighbourhood and respects the concerns of the parents of the children but that he will run a respectable business.

Alderman Kiss was opposed to the application on the basis that it is not a permitted use in the by-law.

Alderman Eisenberger stated that the image of pool halls is changing but it is difficult to control in the future. He suggested that a temporary zoning be approved to allow this proposal a chance.

Alderman Wilson cited an example in his Ward, Ward 4 where there were problems with a billiard hall which was also run by a respectable family.

Alderman McCulloch concurred with Alderman Eisenberger and stated that billiards is not a bad activity and that this application should be supported.

A motion was placed on the floor to allow the application for a billiard hall for a temporary period of one year. The motion was defeated on a tie vote.

**\* Alderman Kiss opposed.**

Subsequently the recommendation of the Commissioner of Planning and Development dated 1993 November 11 was placed on the floor and was also lost on a tie vote.

That Zoning Application 93-33, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room on the second floor of the existing building located at 303 York Boulevard, as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- (a) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (i.e. loitering, noise, parking on adjacent residential streets);
- (b) The subject lands are in close proximity to two schools (i.e. Hess Street Public School and Sir John A. MacDonald Secondary School);
- (c) There is an adequate supply of lands within the city that are appropriately zoned for the proposed use (i.e. "G-1", "G-2", "HH", "T", "J", "K" and "M-13" Districts);
- (d) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- (e) It conflicts with Council adopted policy, in that similar applications (ZA-90-10, ZA-91-80) to permit a penny arcade and a billiard hall at 314-318 Queenston Road, as well as another similar application (ZA-91-11) to permit a billiard room on the lands located at 324 Queenston Road, were denied.

Subsequently the Secretary of the Committee advised that the recommendation would appear on the Council Agenda with a notation that it was lost on a tie vote.

2. **Zoning Application 93-30, Benemar Construction Inc. and the City of Hamilton, owners, for changes in zoning from "RT-20" District to "AA" District (Block "1") and from "AA" District to "RT-20" District (Block "2"), for lands located east of Upper Wentworth Street and north of Vineberg Drive; Chapple East Neighbourhood**

A representative was present on behalf of the applicant as recommended by the Commissioner of Planning and Development in a report dated 1993 November 10 the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-30, Benemar Construction Inc. and The City of Hamilton, owners, requesting a change in zoning from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District (Block "1"), and from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District (Block "2"), to allow Block "1" to be added to the adjoining open space lands (located at the north-east corner of Upper Wentworth Street and Vineberg Drive), and to allow Block "2" to be developed for townhouses or maisonettes, in conjunction with the adjoining lands to the east, for lands shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "AA" (Agricultural) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District, modified to "RT-20" (Townhouse - Maisonette) District;
- (c) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-27E for presentation to City Council;



- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and
- (e) That the Chappel East Neighbourhood Plan be amended by redesignating Block "1" from "Attached Housing" to "Open Space", and Block "2" from "Open Space" to "Attached Housing".

3. **Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at No. 1367 Upper James Street; Ryckmans Neighbourhood**

Paul Mallard advised that the intent is to redevelop the facilities for law offices. The applicants were present in support of the application.

Mr. Mallard also advised that the by-law is to be held in obedience pending agreements with the Law Department. The applicants must enter into right-of-way easements to assist with future developments.

As recommended by the Commissioner of Planning and Development in a report dated 1993 November 11 the Committee recommended to Council as follows:

- A. That approval be given to amended Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit development of the subject lands for law offices, for the property located at 1367 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:
  - (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
  - (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, be modified to include the following variances as special provisions:
    - i. That notwithstanding Section 14A.(3)(a) of Zoning By-law 6593, a front yard of a depth of not less than 24.0 m (80 ft.) shall be provided and maintained along the entire westerly lot line;
    - ii. That Section 14A.(3)(c) of Zoning By-law 6593, shall not apply;
    - iii. That a minimum 3.0 m (10 ft.) wide landscape area shall be provided and maintained along the entire westerly lot line, except any area used for the vehicular access;
    - iv. That a minimum 1.2 m (4 ft.) wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line, abutting a residential use.
  - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1321, and the subject lands on Zoning District Map E-9C be notated S-1321;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
  - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as:
- (a) That the applicant (Diana Marie Hubbard and Edith Held) be required (with the consent of the Land Division Committee) to enter into right-of-way agreement(s) with the property owners to the north (Gombar Yolanda), and east (Estate of Wilfred Horning) to provide for permanent shared access to Upper James Street, over the lands of the applicant and over the lands to the north and east, binding on the respective property owners', heirs, successors and assigns.
  - (b) That the applicant's solicitor be required to provide to the City Solicitor a Solicitor's Certificate to the City certifying that the required right-of-way agreements have been entered into, registered and are binding upon the applicable landowners.
  - (c) That the applicant be required to fulfil Items (a) and (b), within 6 months of this Council Resolution and in default thereof, this approval resolution shall cease and no longer be in force.
4. Zoning Application 92-41, Shedaco Holdings Limited (R.S. Shelley), owner, for changes in zoning from "AA" District to "B" District (Block "1") and to "C" District (Block "2"), for lands located at No. 625 Rymal Road West; Carpenter Neighbourhood

An agent was present on behalf of the applicant as recommended by the Commissioner of Planning and Development in a report dated 1993 November 9 the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 92-41, Shedaco Holdings Limited (R.S. Shelley), owner, for changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District (Block "1"), and to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "2"), to permit future development of Block "2" for single-family dwellings, for lands located at No. 625 Rymal Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, to Block "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal storm and sanitary sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal storm and sanitary sewers servicing the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once municipal sewers are available.



- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;
  - (c) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27E for presentation to City Council;
  - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
5. **Zoning Application 93-23, Don Newman (Newman Developments), prospective owner, for a change in zoning from "H" District to "E" District, modified, for lands located at No. 145 MacNab Street North; Central Neighbourhood**

Paul Mallard advised that the proposal is to redevelop a site into a seven-storey 66 unit multiple dwelling fronting onto Cannon Street West and a three-storey 18 unit multiple dwelling fronting onto MacNab Street North. The 18 units will be stacked townhouses and the seven-storey building will be an apartment building.

Paul Mallard advised that the design is greatly improved over the original application. It implements the intent of the official plan and is suitably located in terms of transit and support services for this building.

Of people notified 12 responded in favour and 26 as opposed.

Don Newman, President, applicant was present. He stated that the facade on MacNab Street was lowered in order to address the concerns of many residents in that neighbourhood and in order to be in keeping with the streetscape.

Rose Seminara of 48 Mulberry Street was present. She was opposed to the previous application and is opposed to this one. She stated that residents want the land utilized but they would prefer to see it as "H" Commercial. She stated that the occupancy and the density are both too high and she would like to see the building for Senior's or a building for people with disabilities.

Eva Alves of 157 MacNab Street and owner of a variety store there stated that as long as the proposal does not affect sausage making business she does not have any objections.

Paul Summer of 129 MacNab Street was also present. He is a neighbour abutting the proposed lands. He stated that he would like the property to remain commercial or his equal graphics business will devalue.

Alderman McCulloch stated that he believes that residential use is more suitable than commercial in this location. He also asked a general question as to whether time limits on zoning approvals can be given.

Mr. Abraham advised that under the Planning Act there are no provisions to allow for time limits for zoning.

Alderman Wilson concurred that the property is appropriate for residential as did Alderman Copps, and stated that a commercial building in this location would impinge upon the neighbourhood residents.

As recommended by the Commissioner of Planning and Development in a report dated 1993 November 12 the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-23, Don Newman, c/o Newman Developments, prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit a seven (7) storey, 66 unit multiple dwelling (apartment building), and a three (3) storey, 18 unit multiple dwelling (stacked townhouses), on lands known as 145 MacNab Street North, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - i. That notwithstanding Section 11(2)(ii), the multiple dwelling fronting onto Cannon Street West shall not exceed seven (7) storeys in height and the second multiple dwelling fronting onto MacNab Street North shall not exceed three (3) storeys in height;
  - ii. That notwithstanding Section 11(3)(ii)(b), the following shall be required:
    - a minimum westerly side yard width of 4.5 m for the multiple dwelling fronting onto Cannon Street West;
    - a minimum easterly side yard width of 3.0 m for the multiple dwelling fronting MacNab Street North;
    - a minimum westerly side yard width of 2.5 m for the multiple dwelling fronting MacNab Street North;
  - iii. That notwithstanding Section 11(6), not less than 40% of the area of the lot shall be provided and maintained as landscaped area;
  - iv. That notwithstanding Section 18(3)(vi)(a), an ornamental wall projection at the front entrance of the multiple dwelling fronting onto Cannon Street West may project not more than 1.6 m into the easterly side yard;
  - v. That notwithstanding Section 18(3)(vi)(cc)(iii), balconies of the multiple dwelling fronting onto Cannon Street West may project not more than 1.4 m into the required side yard;
  - vi. That notwithstanding Section 18A, a minimum of one (1) 3.7 m x 18.0 m x 4.3 m loading space shall be provided and maintained on site;



- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1321, and that the subject lands on Zoning District Maps W-3 and W-4 be notated S-1322;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-3 and W-4 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Central Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".

6. CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF LOCAL PLANNING

**Hamilton GO Transit Service Expansion - Noise Study for Victoria Avenue Layover Yard and Hunter/Canada Street Area**

Bill Janssen advised that GO Transit is asking the City for technical comments at this point.

Alderman McCulloch, Alderman D'Amico and Alderman Charters agreed that consideration should be given to the surrounding residents with regard to noise and that this study is a step in the right direction.

Victor Abraham advised that the Finance and Administration Committee is to recommend the method of financing.

As recommended by the Chief Administrative Officer and the Director of Local Planning and the Committee recommended to Council as follows:

- (a) That Mr. F. Westaway, Chief Noise Control Officer, Public Works Department, be authorized to undertake noise studies, at a maximum cost of \$7,150. for the following two areas which may be affected by the Hamilton GO Transit Service Expansion:
  - i. The Victoria Avenue Layover Yard, which extends from Victoria Avenue to Wentworth Street, between Alanson Street and Charlton Avenue; and
  - ii. The Hunter/Canada Street Cut, located from Dundurn Street to Queen Street, between Hunter Street and Canada Street;
- (b) That this matter be referred to the Finance and Administration Committee. in order that they may recommend the appropriate method of financing for this project; and
- (c) That the results of these noise studies and related analysis be reported to the Planning and Development Committee, for forwarding on to GO Transit, the Ministry of Environment and Energy (M.O.E.E.), and C.P. Rail.

**7. HARBOURFRONT PARK****(a) Commissioner of Planning and Development Report**

As recommended by the Commissioner of Planning and Development in a report dated 1993 November 9 the Committee resolved:

That the report of the Central Area Plan Implementation Committee dated 1993 November 9 be referred to the West Harbourfront Development Study Steering Committee.

**(b) CAPIC Report**

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee dated 1993 November 8. Subsequent to its referral to the West Harbourfront Development Study Steering Committee the Planning and Development Committee moved that this report be received.

**8. BUILDING COMMISSIONER****Permit Fee for Installation of Siding for Single Family Dwellings**

As recommended by the Building Commissioner in a report dated 1993 November 15 the Committee ordered the following recommendation to Council:

That City Council amend By-law 93-167 to provide the following building permit fee.

| <u>Class of Permit</u>                            | <u>Fee</u> |
|---|------------|
| Installation of Siding for Single Family Dwelling | \$75.      |

**9. FOR DISCUSSION****(a) 1st 1994 January Planning and Development Committee Meeting**

The Committee resolved that the first meeting of January 1994 be cancelled as no other Standing Committee Meetings are meeting at that time.

**(b) Outstanding Items List**

The Committee reviewed the outstanding items list in order to get a status on the reports.

**10. CONSENT AGENDA****A. ADOPTION OF THE MINUTES**

The Minutes of the Planning & Development Committee meeting of 1993 November 3 were approved as circulated.

The Committee recommended to Council various recommendations in reports as follows:

**B. DIRECTOR OF PROPERTY****Expropriation - 403 Sherman Avenue North dated 1993 November 19:**

- (a) That an Agreement by Owner to Accept compensation, executed by Donald Arnott, on 1993 November 15, and scheduled to close on or before 1993 December 7, for the lands being part of Lot 9, Concession 1, in the former Township of Barton, part of Plan 547, more specifically described as Parts 1, 2 and 4 on Expropriation Plan No. 38851 (together with a right-of-way over Part 3), having a frontage of 6.12 metres (20.08 feet) more or less, along the westerly limits of Sherman Avenue North, containing an area of 173.2 square metres (1,864.4 square feet) more or less, known municipally as 403 Sherman Avenue North, be approved and completed and the total compensation of \$61,400.77 (\$55,923.35 having already been paid to the former owner on November 4, 1993) be charged to Account No. CF 5590 308750001 (Land Acquisition - Enclave Clearance Program).
- (b) That the Mayor and City Clerk be authorized and directed to execute the Agreement on behalf of the City.

**C. SECRETARY, LACAC****(a) Funding for Non-Profit Housing dated 1993 November 18:**

- (a) That a letter be sent to the Minister of Housing and the Minister of Culture, Tourism and Recreation requesting the co-operation of the two Ministries in co-ordinating funding for Non-Profit Housing so that funds can be put towards the improvement of the neighbourhood streetscape and not result in the demolition of listed and designated heritage buildings; and
- (b) That a letter be sent to the Minister of Housing Requesting that the Province consult with the City regarding proposed Non-Profit Housing Projects before the funding is approved.

**(b) Hamilton Court House dated 1993 November 16:**

That a letter be sent to the Honourable Bob Rae, Premier of Ontario and the Honourable David Christopherson, Attorney General, supporting the allocation of funds for the completion of the consolidated Hamilton Court House to be located at 10 John Street South, a designated building in the City of Hamilton.

**D. BUILDING COMMISSIONER****(a) Hamilton Emergency Programme****i. 94 Edinburgh Avenue dated 1993 October 29:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and sixty six, (\$1,466.) be approved for Grace Williams, 94 Edinburgh Avenue, Hamilton. The interest rate will be 8 percent amortized over 5 years.

**ii. 10 Huron Street dated 1993 November 12:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand nine hundred and eighty (\$1,980.) be approved for Susan Underhill, 10 Huron Street. The interest rate will be 8 percent amortized over 5 years.



iii. **50 Barton Street East dated 1993 November 12:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and fifty (\$1,350.) be approved for Yat Lee, 50 Barton Street East. The interest rate will be 8 percent amortized over 5 years.

iv. **1A Roanoke Place dated 1993 November 12:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand six hundred and five (\$1,605.) be approved for Herbert Wodehouse, 1A Roanoke Place. The interest rate will be 8 percent amortized over 5 years.

(b) **Commercial Loan Programme - 201 Ottawa Street North dated 1993 November 1:**

That a Commercial Loan in the amount of nine thousand, four hundred and fifty-five (\$9,455.) be approved for Dan Kwiatkowski. The interest rate will be 2 7/8 percent amortized over ten (10) years.

(c) **Demolition Permits dated 1993 November 12:**

That the Building Commissioner be authorized to issue demolition permits for:

(a) 138 Park Street North

(b) 6 Dunraven Avenue

E. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) **Proposed Draft Plan of Condominium "Limeridge Garden Terraces" dated 1993 November 16:**

(a) That approval be given to application 25CDM-93004, Shoreline Gardens Limited, owner, to establish a draft plan of condominium located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street, subject to the following condition:

i. That this approval apply to the plan prepared by Bryan Jacobs, O.L.S., and date stamped 1993 April 8, showing 12 residential units in a 3-storey building.

(b) That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.

(b) **Proposed Draft Plan of Condominium - 293 Limeridge Road West dated 1993 November 11:**

(a) That the proposed plan of condominium prepared by J. D. Barnes Limited on behalf of M. and A. Singh, owners, dated 1993 June 9, showing 15 residential units at No. 293 Limeridge Road West, be draft approved;

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and the City Clerk be authorized to sign the final plan once the owner has fulfilled the requirements under the Rental Housing Protection Act."



- (c) Application to remove part-lot control from Lot 1, and Lots 3 to 14 inclusive, "Claudette Gardens - Phase 4" Subdivision dated 1993 November 2:

The Committee forwarded to Council the recommendation as amended as follows:

- (a) That the request of David A. Elliott, Solicitor for 800064 Ontario Limited, to establish maintenance easements by removing part-lot control from Lot 1, and from Lots 3 to 14 inclusive, "Claudette Gardens, Phase 4" plan of subdivision, 62M-746, be approved;
- (b) That the appropriate by-law to remove part-lot control from Lot 1 and from Lots 3 to 14 inclusive, "Claudette Gardens, Phase 4" plan of subdivision, be enacted by Council;
- (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law;
- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law; and
- (e) That the existing Subdivision Agreement registered on title to this subdivision on 1993 October 15th, as Instrument No. LT352794 be amended to replace its provisions and schedules regarding the required maintenance easements so as to approve the maintenance easements provided for in the revised draft Reference Plan, prepared by J.P. Wooley Surveying and referenced by them as project No. 93-206-13.

11. OTHER BUSINESS

(a) New Official Draft Plan

Alderman Merling asked when input would be given to the new official draft plan to the Region.

Mr. Janssen advised that the Planning Department is preparing a report for the City to be presented at the December 1993 meeting.

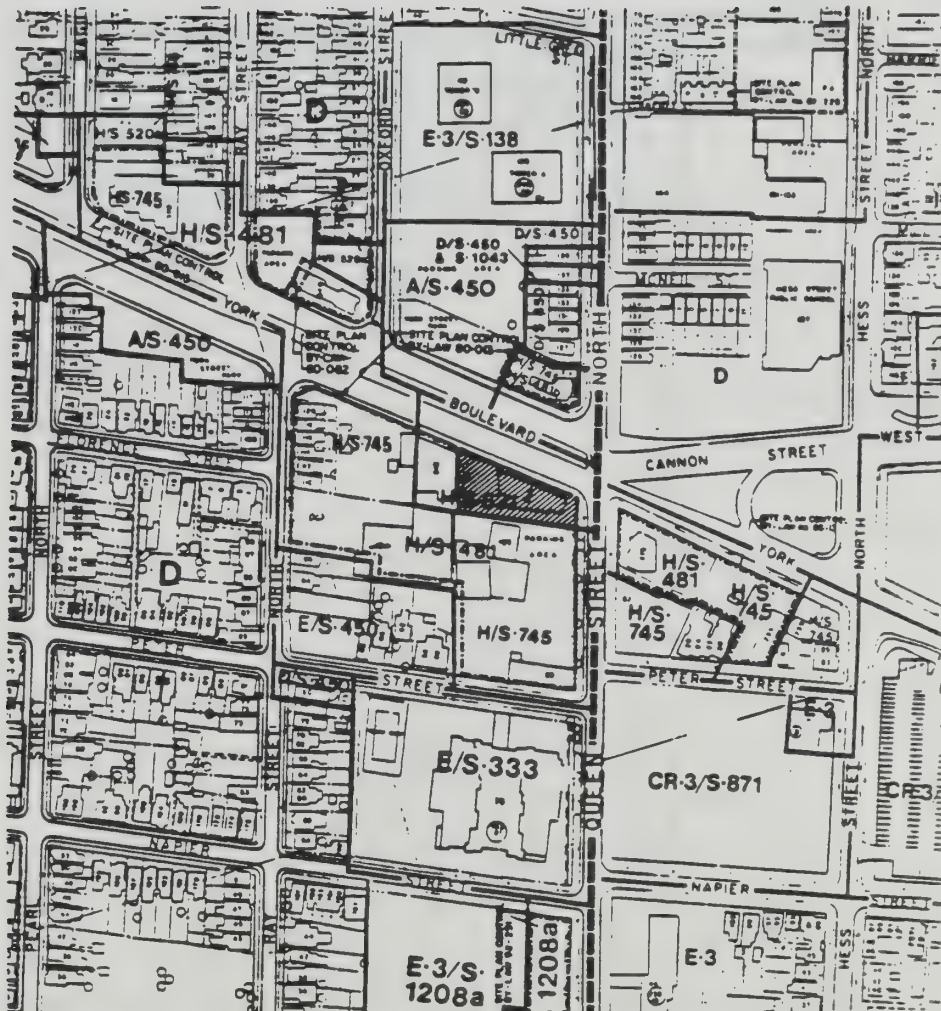
12. ADJOURNMENT

There being no further business the Committee Meeting adjourned.

**TAKEN AS READ AND APPROVED,**

**ALDERMAN D. DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**

Appendix 'A' as referred  
to in Section 1 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 November 24



Legend

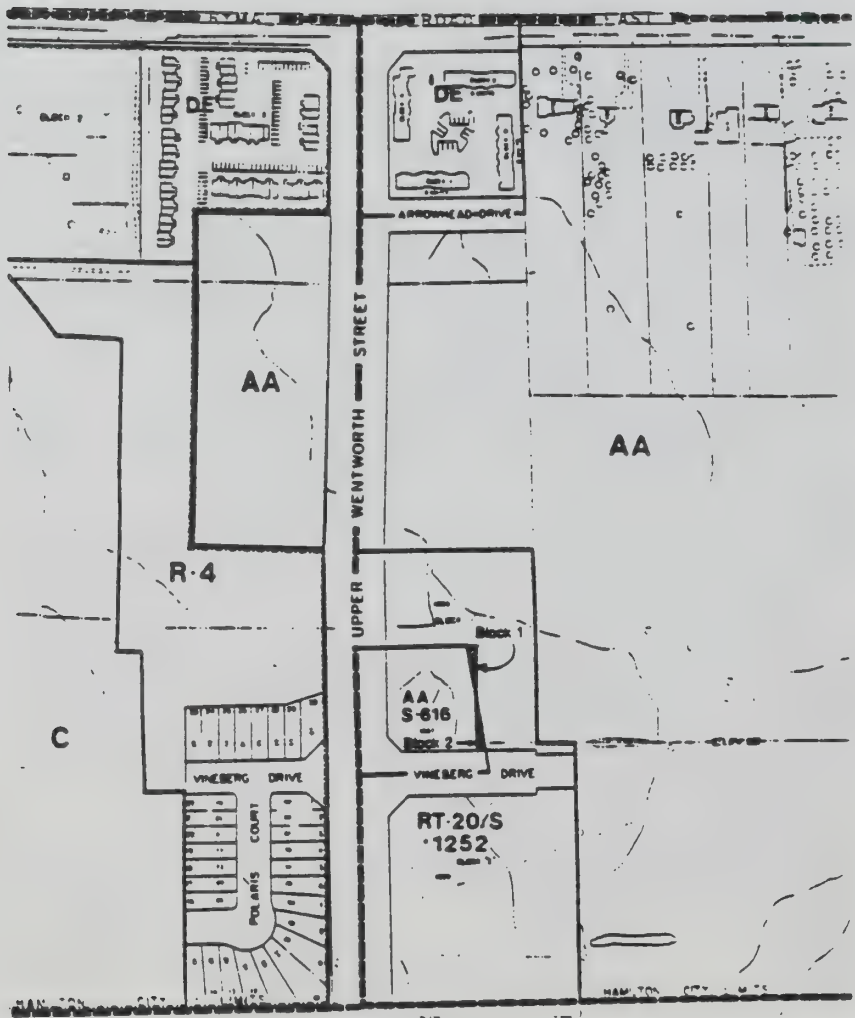


Site of the Application





ZAR-93-33

Appendix "B" as referred  
to in Section 2 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 November 24



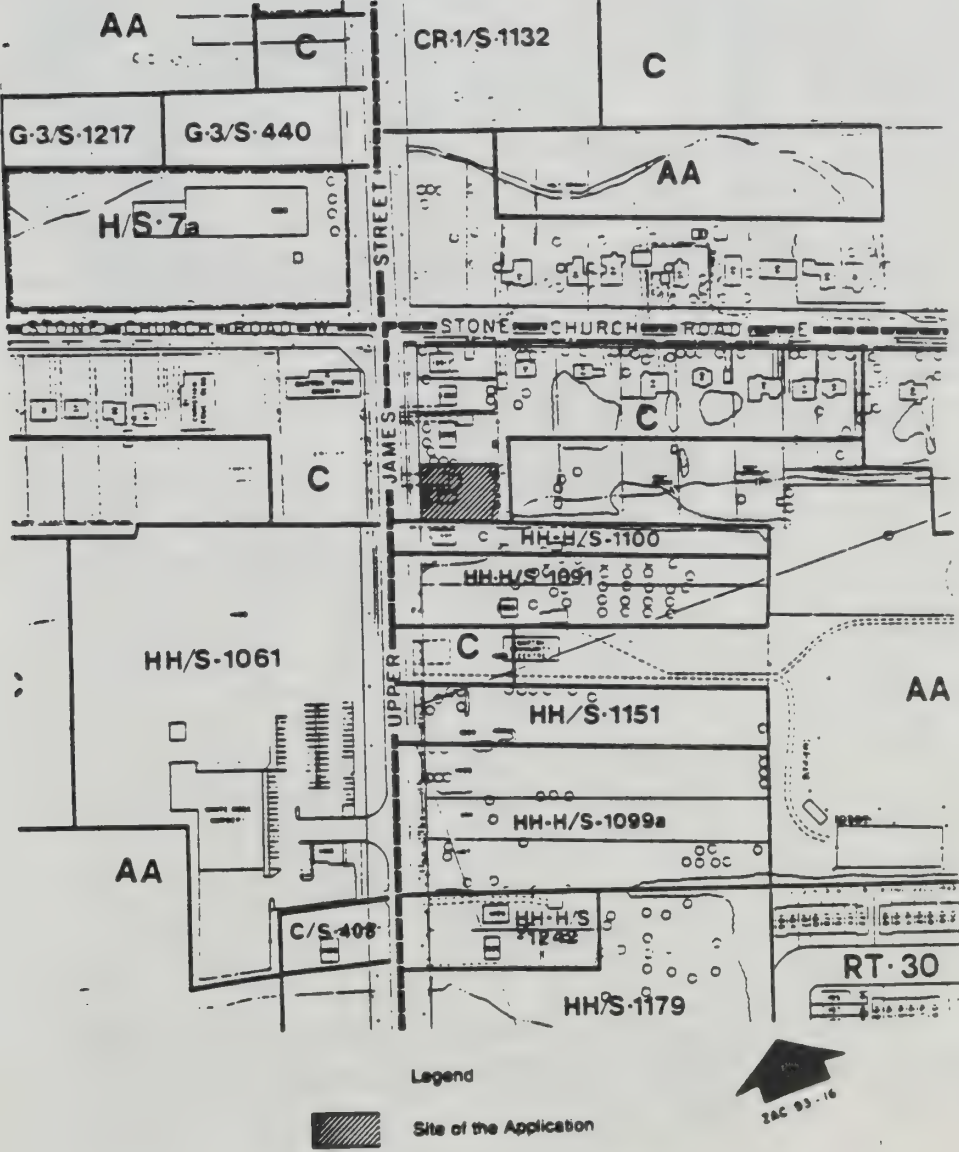
Legend

Proposed Change in Zoning From

- Block 1  "RT-20" (Townhouse - Maisonette) District, modified, to "AA" (Agricultural) District
- Block 2  "AA" (Agricultural) District, modified, to "RT-20" (Townhouse - Maisonette) District

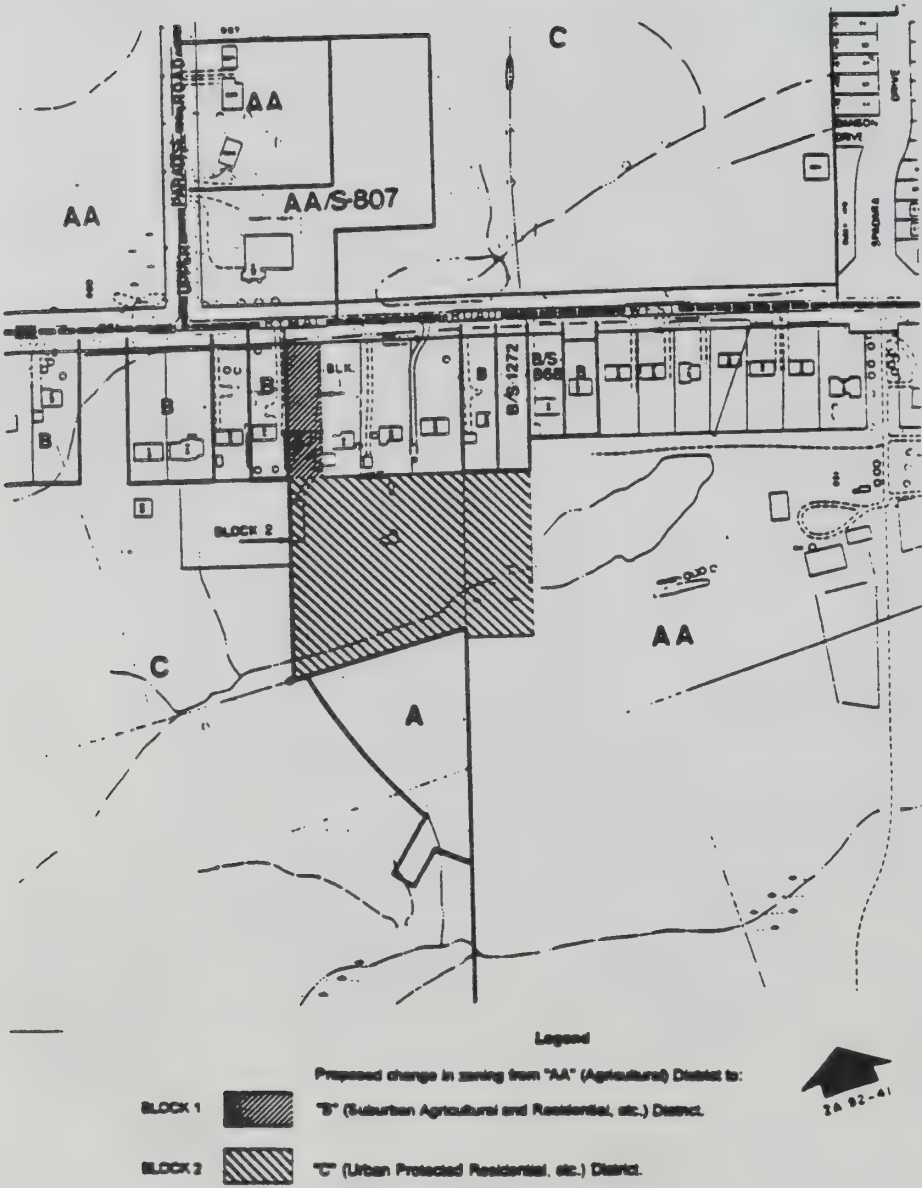


Appendix "C" as referred to  
in Section 3 of the Minutes  
of The Planning and  
Development Committee  
Meeting held 1993 Nov. 24

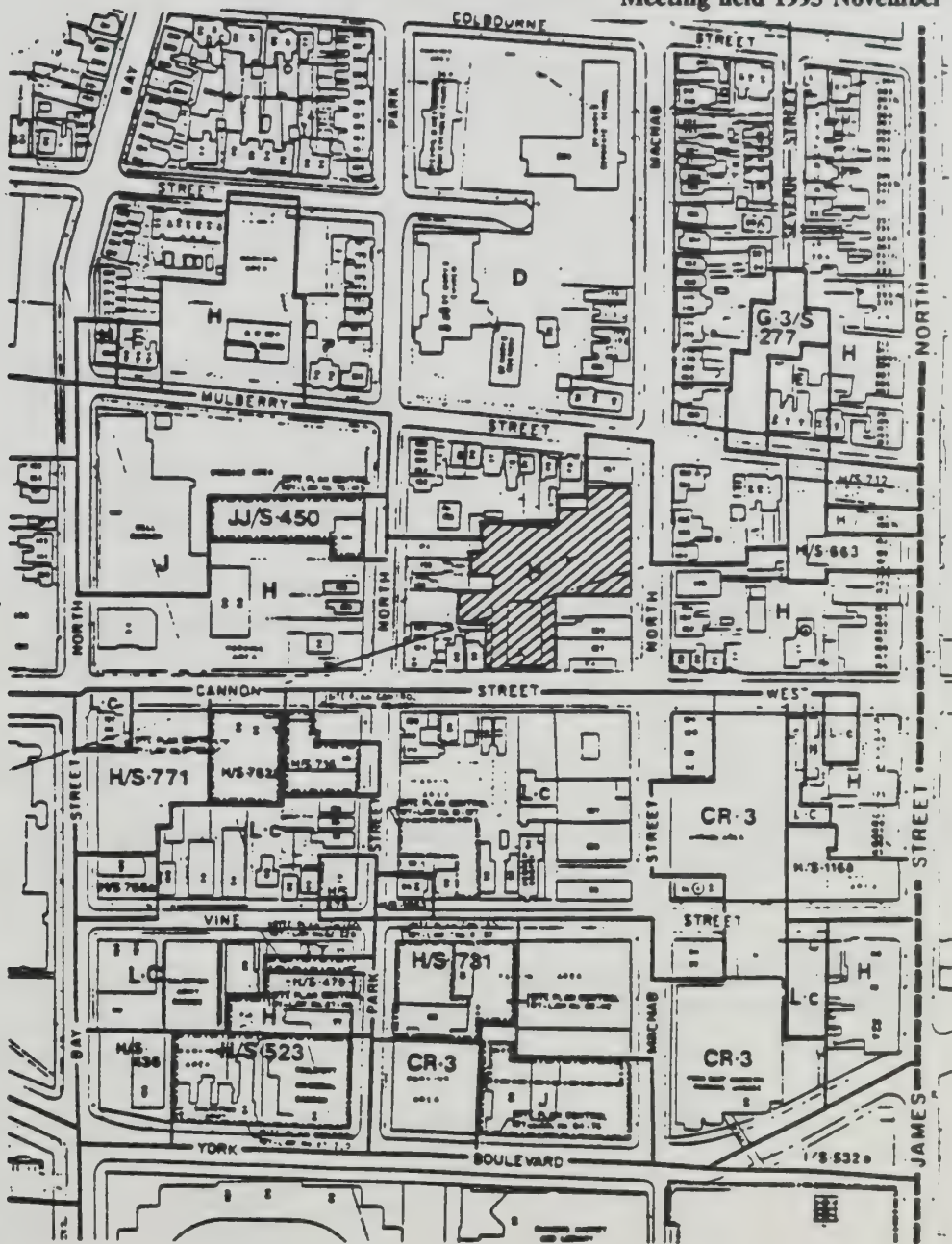




Appendix "D" as referred  
to in Section 4 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 November 24



Appendix "E" as referred  
to in Section 5 of the  
Minutes of The Planning  
and Development Committee  
Meeting held 1993 November 24



LEGEND



Site of the Application

ZAC-93-23



Ba

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

RECEIVED

NOV 30 1993

**DATE:** 1993 November 25

CITY CLERKS

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

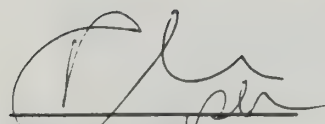
**SUBJECT:** International Village Business Improvement Area  
(B.I.A.) Proposed Budget and Schedule of Payments for  
1994.

**RECOMMENDATION:**

- a) That the 1994 operating budget of the International Village B.I.A. (attached as Schedule 'A') be approved in the amount of fifty-three thousand, two hundred and six dollars (\$53,206.); and,
- b) That the City *Treasurer* be hereby authorized and directed to prepared the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved.

|            |           |
|------------|-----------|
| January 01 | \$26,603. |
| October 01 | \$26,603. |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.



Mr. D. Lobo  
Director of Public Works



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of fifty-three thousand, two hundred and six dollars (\$53,206.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this fifty-three thousand, two hundred and six dollar (\$53,206.) operating budget.

**BACKGROUND:**

At its Annual General Meeting held 1993 November 24, the International Village B.I.A. adopted a budget of fifty-three thousand, two hundred and six dollars (\$53,206.). Included within this budget is an allowance of unpaid levies of twelve thousand dollars (\$12,000.).

① MG:mg

c.c.

Mr. A. Ross, City Treasurer

Attn: T. Bradbury, Asst. Supervisor - Business Tax

SCHEDULE 'A'

Hamilton's

INTERNATIONAL

Village

King Street East  
between Wellington  
and Mary

# PROPOSED BUDGET

January 1, 1994 to December 31, 1994

|                                     | Gross<br>Cost    | *Recoverable<br>from Federal<br>Grant | Net<br>Cost      |
|-------------------------------------|------------------|---------------------------------------|------------------|
| <b>OPERATIONS</b>                   |                  |                                       |                  |
| Rent                                | \$ 4,200         | \$ 1,350                              | \$ 2,850         |
| Telephone & Hydro                   | 1,450            | 900                                   | 550              |
| Equipment & Supplies                | 1,928            | 1,200                                 | 728              |
| Bank Charges                        | 300              | 150                                   | 150              |
| <b>TOTAL OPERATING</b>              | <b>\$ 7,878</b>  | <b>\$ 3,600</b>                       | <b>\$ 4,278</b>  |
| <b>WAGES</b>                        |                  |                                       |                  |
| Executive Director                  | \$ 20,200        | \$ 7,000                              | \$ 13,200        |
| Wage Costs                          | 2,048            | 770                                   | 1,278            |
|                                     | \$ 22,248        | \$ 7,770                              | \$ 14,478        |
| Less Training Revenue               |                  | 2,500                                 | (2,500)          |
| <b>TOTAL WAGES</b>                  | <b>\$ 22,248</b> | <b>\$ 10,270</b>                      | <b>\$ 11,978</b> |
| Insurance                           | \$ 665           |                                       | \$ 665           |
| Audit Fees                          | 285              |                                       | 285              |
| Advertising & Promotion             | 25,000           |                                       | 25,000           |
| Lighting Grant                      | (1,000)          |                                       | (1,000)          |
|                                     | <b>\$ 24,950</b> |                                       | <b>\$ 24,950</b> |
| Allowance for<br>Uncollected Levies | 12,000           |                                       | 12,000           |
| <b>TOTAL COST</b>                   | <b>\$ 67,076</b> | <b>\$ 13,870</b>                      | <b>\$ 53,206</b> |

- \* APPLIED FOR 6 MONTHS (25 WEEKS)  
July - December 1994  
2 Clients in Management Office  
1 Client with Membership



B(b)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

RECEIVED

NOV 30 1993

CITY CLERKS

**DATE:** 1993 November 25

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

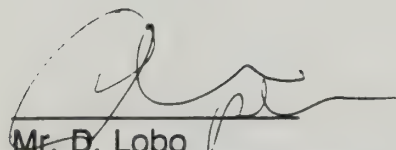
**SUBJECT:** Ottawa Street Business Improvement Area (B.I.A.) Proposed  
Budget and Schedule of Payments for 1994.

**RECOMMENDATION:**

- a) That the 1994 operating budget of the Ottawa Street B.I.A. (attached as Schedule 'A') be approved in the amount of forty-three thousand, eight hundred dollars (\$43,800.); and,
- b) That the City ~~Treasurer~~ be hereby authorized and directed to prepared the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved.

|            |           |
|------------|-----------|
| January 01 | \$21,900. |
| June 01    | \$10,950. |
| October 01 | \$10,950. |

NOTE: 1993 Levy Arrears will be deducted from the three payments for 1994.

  
Mr. D. Lobo  
Director of Public Works



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of forty-three thousand, eight hundred dollars (\$43,800.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this forty-three thousand, eight hundred dollar (\$43,800.) operating budget.

**BACKGROUND:**

At its Annual General Meeting held 1993 November 23, the Ottawa Street B.I.A. adopted a budget of forty-three thousand, eight hundred dollars (\$43,800.). Included within this budget is an allowance of unpaid levies of four thousand, eight hundred dollars (\$4,800.).

MG:mg

c.c.

Mr. A. Ross, City Treasurer  
Attn: T. Bradbury, Asst. Supervisor - Business Tax

OTTAWA STREET B.I.A. PROPOSED 1994 BUDGET

| Budget Item  | Total \$   | %      |
|--|------------|--------|
| Rent   |            |        |
| 12 months including Hydro  | 1,300      | 3%     |
| Utilities  |            |        |
| Telephone - 1 line @ 45.00, 12 months<br>including long distance   | 750        | 1.7%   |
| Insurance  |            |        |
| Total coverage includes: Liability, vandalism<br>fire, computers, office equipment and<br>special events and directors liability | 1,600      | 3.6%   |
| Office Supplies  |            |        |
| Paper, pens, letterhead, capital newsletters,<br>postage and sundries  | 1,000      | 2.3%   |
| Office Equipment   |            |        |
| Photocopier  |            |        |
| Lease  | \$2,800.00 |        |
| Service Contracts  | \$1,100.00 |        |
|  | -----      |        |
|  | 3,900      | 8.9%   |
| Wages  |            |        |
| Co-ordinator's Contract  | 5,100      | 11.6%  |
| Promotional Organizer Contract   | 2,100      | 4.8%   |
| Advertising  |            |        |
|  | 10,000     | 22.8%  |
| Beautification   |            |        |
| Street Cleaner's Contract<br>(4 days x 6 hours x \$7.50 x 30 weeks)  | 6,000      | 13.7%  |
| Street Cleaner supplies - bags, brooms, etc.   | 750        | 1.7%   |
| Garbage Removal  | 800        | 1.8%   |
| Lighting Secondary   |            |        |
| Lights in trees  | 4,000      | 9.1%   |
| Other Costs include:   |            |        |
| Bank Charges   | 250        |        |
| Workers Compensation   | 100        |        |
| Yearly audit of books  | 650        |        |
|  | 1,000      | 2.3%   |
| Contingency Fund   |            |        |
| 12 percent   | 4,700      | 12%    |
| Total  | 43,800     | 100.00 |



Cc(a)i.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** November 29, 1993  
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee  
**FROM:** L.C. King, P. Eng.  
Building Commissioner  
**SUBJECT:** Demolition of:  
**114 GLENNIE AVENUE - Tag Number 90925**  
(93.1.1.A)


RECEIVE

NOV 30 1993

CITY CLERKS

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**114 GLENNIE AVENUE.**

  
\_\_\_\_\_  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C" Residential  
**PRESENT USE:** Single Family Dwelling  
**PROPOSED USE:** New Single Family Dwelling  
**BRIEF DESCRIPTION:** Wood frame, stucco house

Demolish 1½ storey house which is in poor condition. No LACAC interest. Lot size 45' x 106'.

The owner of the property as per the demolition permit is:

Tyche Building Corp. Ltd.  
498 Green Mountain Road  
Stoney Creek, Ontario





Cc(ii).

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** November 29, 1993

**RECEIVED**

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

NOV 30 1993

**FROM:** L.C. King, P. Eng.  
Building Commissioner

CITY CLERKS

**SUBJECT:** Demolition of:  
**819 UPPER PARADISE ROAD - Tag Number 90933**  
(93.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**819 UPPER PARADISE ROAD.**

  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "AA" Agriculture

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Six (6) new Single Family Dwellings

**BRIEF DESCRIPTION:** Frame house and frame barn

Demolish 1½ storey frame house which is attached to a 2 storey frame barn.  
Both buildings in poor condition. No LACAC interest. Lot size 190' x 236'.

The owner of the property as per the demolition permit is:

Ivey, Russell and Harry Wagstaffe  
Wellington Place  
Hamilton, Ontario



C(6)i.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 26, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** COMMERCIAL LOAN PROGRAMME  
1031 KING STREET WEST (93.2.4.2.1.A)

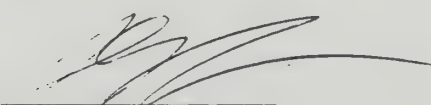
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NOV 30 1993

CITY CLERKS

**RECOMMENDATION:**

That a Commercial Loan in the amount of thirteen thousand and ten dollars (\$13,010) be approved for 1018067 Ontario Ltd. The interest rate will be 2 3/4 per cent amortized over ten years.

L.C.KING, P.Eng  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The owner of 1031 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to 1018067 Ontario Inc., for improvements to 1031 King Street West in the amount of \$ 13,010. The loan will be amortized over a ten year period at 2 3/4 per cent interest. The monthly payments will be \$124.15 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department  
D. Powers, Legal Department





C(6)ii.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 26, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** COMMERCIAL LOAN PROGRAMME  
1047-1053 KING STREET WEST (93.2.4.2.1.A)

RECEIVED

NOV 30 1993

CITY CLERKS

**RECOMMENDATION:**

That a Commercial Loan in the amount of thirty four thousand, four hundred and twenty-one dollars (\$34,421) be approved for 919696 Ontario Limited. The interest rate will be 2 3/4 per cent amortized over ten years.



L.C.KING, P.Eng  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The owner of 1047-1053 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to 919696 Ontario Limited for improvements to 1047-1053 King Street West in the amount of \$ 34,421. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$328.46 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department  
D. Powers, Legal Department



C(c)

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 26, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.)(93.2.4.2.1.A)

**RECEIVED**

NOV 30 1993

.....  
CITY CLERKS

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of six hundred and forty-six (\$646) be approved for Salvatore Romano, 27 Glen Valley Drive. The interest rate will be 8 per cent amortized over 5 years.

  
L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Salvatore Romano, 27 Glen Valley Drive in the amount of \$646. The chimney has been rebuilt, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$646 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury  
D. Powers, Law Department





C(d)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** November 26, 1993  
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee  
**FROM:** L.C. King, P.Eng.  
Building Commissioner  
**SUBJECT:** FACADE LOAN PROGRAMME  
LOAN INCREASE 201 OTTAWA STREET NORTH  
(93.2.4.2.1.A)

RECEIVED

NOV 30 1993

CITY CLERKS

**RECOMMENDATION:**

That a loan increase of \$2,286 be approved for Mr. D. Kwiatkowski, 201 Ottawa Street North under the Commercial Loan Programme. The total loan is now \$11,741.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

City Council at their meeting held November 30, 1993, approved a loan application under the subject programme in the amount of \$9,435. Since that time, it has been determined that additional work was necessary in order to correct roofing problems. The Building Department, Loans Division therefore recommends increasing the owner's application to a loan of \$11,741. The loan is amortized over ten years at 2 7/8 per cent interest with a monthly payment of \$112.70. This represents a increase of \$2,286.

c.c. R. Camani, Treasury Department  
D. Powers, Law Department



D.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1993 December 2

**REPORT TO:** Members of the Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** INFORMATION ITEMS

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Alderman D. Drury Re: Lynda Morris - MacNab Street Underpass and New GO Station dated 1993 November 17
- (b) Director of Public Works: Revitalization of Barton Street dated 1993 November 26.
- (c) Commissioner of Planning and Development Re: Approved Site Plan Control Applications dated 1993 November 30
- (d) Commissioner of Planning and Development Re: Mobile Signs dated 1993 November 30
- (e) Building Commissioner Re: Housing Intensification Strategy - Provision of Separate Utilities dated 1993 December 1
- (f) Building Commissioner Re: Construction Activities for the 10-month period ending 1993 October 31.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**



CITY OF HAMILTON

- RECOMMENDATION -

1995 December 1

REPORT TO: Members of the Planning and Development Committee

FROM: The Deputy Mayor  
The Planning Committee

RECOMMENDATION: YES

RECOMMENDATION

The following information is provided for the information of the Committee and is not intended to be a recommendation.

- (a) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1
- (b) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1
- (c) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1
- (d) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1
- (e) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1
- (f) Information to the City of Hamilton - Hamilton City Council and the City of Hamilton - 1995 December 1



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